

OFFICIAL AGENDA
TUESDAY November 2, 2021
Meeting Start Time: 9:30 a.m.
Board of County Commissioners
Yellowstone County, Montana
Stillwater Building
316 N. 26th Street, Room 3108
Billings, MT
9:15 a.m. Agenda Setting

Pledge to the Flag: Minutes

REGULAR AGENDA

MEETING UPDATE

In response to recent public health concerns surrounding COVID-19, Board of County Commissioner meetings will be held in a different format. Meetings may include virtual video conferencing to comply with social distancing guidelines.

In an effort to honor your right to participate and allow for public comment we have set up a conference call line. **Please dial (406) 256-2724 Conference ID 277 749 960#**

The public may comment during the specific public comment periods listed on the agenda. Please have your phone set to "mute" until the public comment period is open.

The B.O.C.C. regular meeting will be televised live on Community 7 TV. (Channel 7 or 507 on Spectrum Cable) Community 7 TV may be accessed and viewed online at www.comm7tv.com.

If you have questions please contact the B.O.C.C. office at (406) 256-2701 or the Clerk and Recorder at (406) 256-2787.

PUBLIC COMMENTS ON REGULAR AND CONSENT AGENDA ITEMS

1. **COMMISSIONERS**
Resolution 21-82 on Protests to Alter Blue Creek Fire Service Area
2. **PLANNING DEPARTMENT**
Victory Hill Subdivision - Preliminary Minor Plat

CLAIMS

CONSENT AGENDA

1. **CLERK AND RECORDER**
Amended Tracts 1 and 2, Certificate of Survey 3666, and Agricultural Covenant for Tract 1A
2. **COMMISSIONERS**
Board Reappointment - Blaine Poppler & Tyler Bush to Adjustment Board/ Jarrett Hillius to City/County Planning Board/ Tobin Novasio to Lockwood Pedestrian Safety District Advisory Board
3. **FINANCE**
 - a. Bond for Lost Warrant
 - b. Sheriff's Office Detention Facility - Recommendation of Award for Multi-Purpose Room Remodel to TW Clark Construction
4. **PUBLIC WORKS**
 - a. Invitation for Bid for the Replacement of Bridge 28-32
 - b. Release for Harnish Trade Center Subdivision First Filing - Lots 1 - 5, Block 4
5. **SHERIFF**
Third Amendment to Inmate Telecommunication Location Agreement between Telmate, LLC and Yellowstone County Detention Facility
6. **HUMAN RESOURCES**
PERSONNEL ACTION REPORTS - Sheriff's Office - 1 Termination; **Motor Vehicle** - 1 Termination; **District Court** - 4 Salary & Other

FILE ITEMS

- 1. **AUDITOR**
Payroll Audit October 1 to October 15, 2021

- 2. **CLERK AND RECORDER**
Board Minutes - County Water District of Billings Heights

- 3. **COMMISSIONERS**
Tax Appeal Minutes - Neal #A-03-21

- 4. **HUMAN RESOURCES**
October 1 - October 15 Payroll Audit

- 5. **TREASURER**
2021 Top 10 Taxpayer's Report

PUBLIC COMMENTS ON COUNTY BUSINESS

B.O.C.C. Regular

Agenda Item 1.

Meeting Date: 11/02/2021

Title: Resolution 21-82 on Protests to Alter Blue Creek Fire Service Area

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Resolution 21-82 on Protests to Alter Blue Creek Fire Service Area

BACKGROUND:

See attached resoltuion.

RECOMMENDED ACTION:

Approve.

Attachments

Resolution on Protests to Alter Blue Creek Fire Service Area

Blue Creek Affidavit for Protests to Alter Blue Creek Fire Service Area

Blue Creek Fire Service Area Map and Owners List

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 21-82

Resolution on Protests to Alter Blue Creek Fire Service Area

WHEREAS, pursuant to Section 7-33-2401(4)(a) of the Montana Code Annotated, a board of county commissioners has the authority to alter a fire service area under the procedure contained in Section 7-33-2401(2) of the Montana Code Annotated. Pursuant to Section 7-33-2401(2) of the Montana Code Annotated, a board of county commissioners to alter an area must: pass a resolution of intent, hold a public hearing, accept protests at the public hearing, pass a resolution, continue to accept protests for 60 days after the resolution and if enough property owners have not protested 60 days after the passage of the resolution, the alteration is effective, if enough property owners have protested, the alteration is not effective.

WHEREAS, the Blue Creek Fire Service Area provides fire service in the Blue Creek area of Yellowstone County. The Area is managed by a Board of Trustees. The Area has its own fire department. Meadowlark of Billings, LLC requested the Board of Trustees include land it owns adjacent to the Area into the Area. Meadowlark owns the Southwest ¼ of the Southwest ¼ of Section 20 of Township 1 North of Range 26 East, the West ½ of the Southeast ¼ of the Southwest ¼ of Section 20 of Township 1 North of Range 26 East, Tracts 1 through 6 of Certificate of Survey No. 926 and Tracts 1 through 2 of Certificate of Survey No. 990. The tax code for the land is D01938. The land contains numerous manufactured homes. Meadowlark owns the land the manufactured homes occupy. Meadowlark does not own the manufactured homes. The Board of Trustees considered the request from Meadowlark. The Board of Trustees believed it could accommodate an expansion of the Area to include the land. The Board of Trustees advised the Yellowstone County Board of County Commissioners of its decision.

WHEREAS, on July 27, 2021, the Yellowstone County Board of County Commissioners passed a resolution of intent to alter the Area. On July 30, 2021 and August 6, 2021, the County Clerk and Recorder published notice of a public hearing on the alteration. On August 31, 2021, the Board of County Commissioners held a public hearing on the alteration. The Board of County Commissioners received public comment on the alteration. The Board of County Commissioners received no protests. The Board of County Commissioners passed a resolution to alter the Area subject to protests. On November 1, 2021, the time to protest expired. No property owners filed a protest.

NOW THEREFORE, BE IT RESOLVED,

The August 31, 2021 resolution to alter the Blue Creek Service Area to include the land owned by Meadowlark of Billings LLC legally described as the Southwest ¼ of the Southwest ¼ of Section 20 of Township 1 North of Range 26 East, the West ½ of the Southeast ¼ of the Southwest ¼ of Section 20 of Township 1 North of Range 26 East, Tracts 1 through 6 of Certificate of Survey No. 926 and Tracts 1 through 2 of Certificate of Survey No. 990 with a tax code of D01938 is effective as of November 1, 2021. No property owners protested the alteration.

Passed and Adopted on the 2nd day of November 2021.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Donald W. Jones, Chair

John Ostlund, Member

Denis Pitman, Member

ATTEST:

Jeff Martin, Clerk and Recorder

State of Montana }
 ss.
County of Yellowstone }

On November 2, 2021, before me personally appeared Donald W. Jones, John Ostlund and Denis Pitman, members of the Board of County Commissioners of Yellowstone County, and Jeff Martin, the Yellowstone County Clerk and Recorder, and acknowledged to me that they executed this Resolution of Protests to Alter Blue Creek Fire Services Area on behalf of Yellowstone County in their official capacities as Board Members and the Clerk and Recorder.

Notary Public For the State of Montana
Residing at Billings, Montana.
My commission expires _____

(Notarial Seal)

Attachments

Affidavit of Clerk and Recorder
Map of Area and land to be added to Area
List of landowners of land to be added to Area

Affidavit of Protests

STATE OF MONTANA)
 : ss.
County of Yellowstone)

Jeff Martin, being first duly sworn, deposes and says:

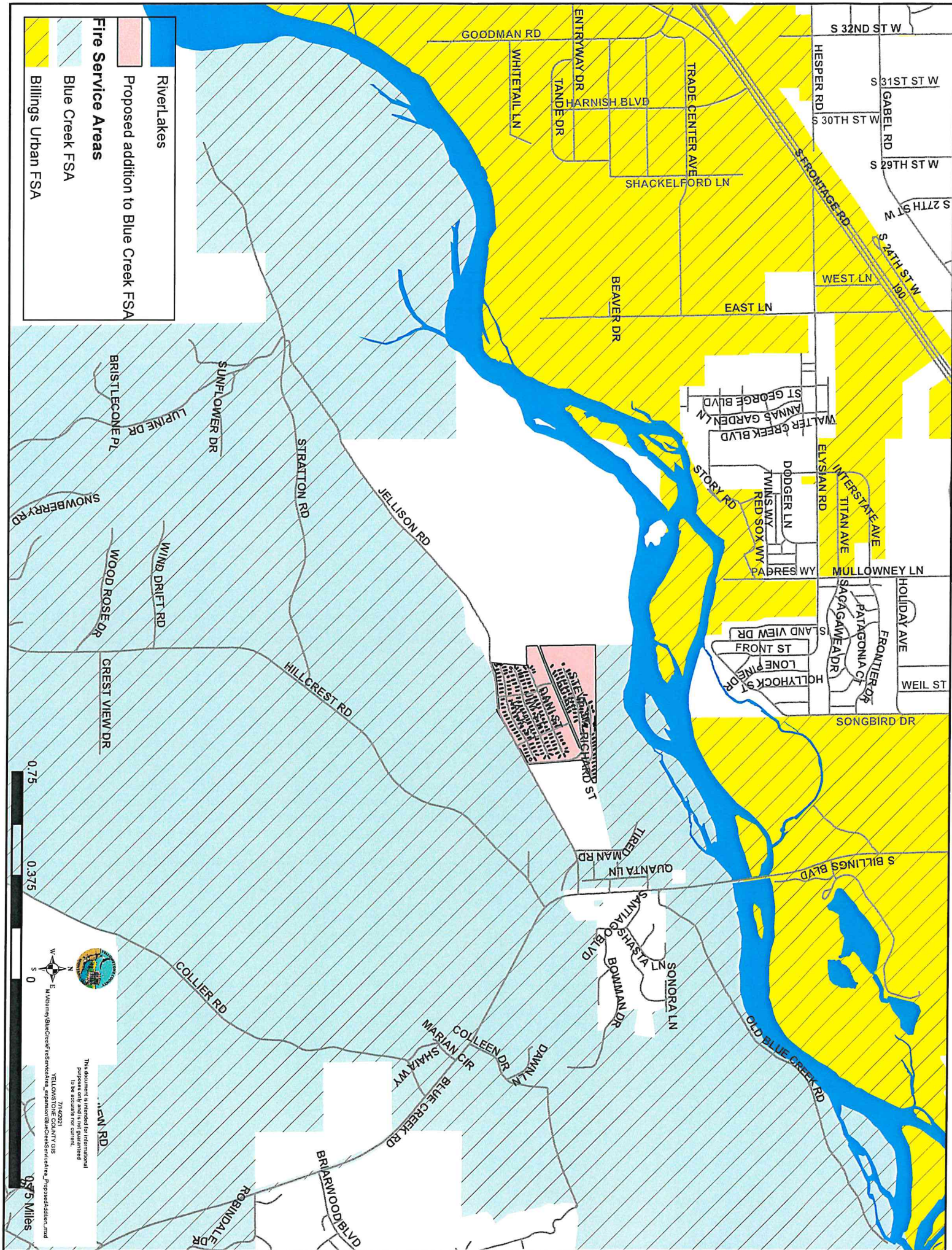
I am the Yellowstone County Clerk and Recorder. I am the Secretary for the Yellowstone County Board of County Commissioners. On August 31, 2021, the Board passed a resolution to alter the Blue Creek Fire Service Area subject to protests. On November 1, 2021, the time to protest expired. I received no protests.

Jeff Martin

SUBSCRIBED AND SWORN to before me this 2nd day of November 2021.

Notary Public for the State of Montana
Residing at Billings, Montana.
My commission expires _____

(Notarial Seal)



OBJECTID	GEOCODE	TAX_ID	OWNER
34245	3092720301010000	D01938	MEADOWLARK OF BILLINGS LLC
34247	3092720301019100	1003515	IRWIN, CHARLES W & MARY L
34248	3092720301019100	1009060	BILILE, JEFFREY ANDREW
34249	3092720301019100	1000331	TMT PROPERTIES LLC
34250	3092720301019100	1006866	BILILE, JEANNE CHRISTINE
34251	3092720301019100	1002887	DEVERAUX, CHERIE ANN
34252	3092720301019100	1004513	GUNTER, ANGELA
34253	3092720301019100	1002384	SCHAFER, BRUCE
34254	3092720301019100	1006987	ZIER, TERESA
34255	3092720301019100	1004642	HIX, SABRINA & TERRY
34256	3092720301019110	1000839	
34257	3092720301019110	1004903	CRIDDLE, HENRY & REBECCA
34258	3092720301019110	1005147	MARTINEZ, BRITTINA M
34259	3092720301019110	1005472	McCAFFERTY, LAURA & MICHAEL
34260	3092720301019110	1002934	RAY, DEREK
34261	3092720301019110	1007242	BOUNDS, JAMIE
34262	3092720301019110	1008002	FRENCH, CANDRA
34263	3092720301019110	1002387	TURNBULL ITC LLC
34264	3092720301019110	1002393	McLELLAN, ANDREW
34265	3092720301019110	1008551	PHELPS, ANNELESE
34266	3092720301019120	1004778	NIELSEN, MORRIS JR
34267	3092720301019120	1006963	NOBLES, LAWRENCE DANE & SHEILA RAE
34268	3092720301019120	1004641	HIX, SABRINA
34269	3092720301019120	1006968	LYYTINEN, ERIC
34270	3092720301019120	1002533	PACHECO, JOSE ALLEN & DELL HOLMAN
34271	3092720301019120	1002811	JENKINS, CHAD
34272	3092720301019120	1003026	TALL BULL, MILWARD
34273	3092720301019120	1007575	BRADLEY, BENJAMIN MAJOR
34274	3092720301019120	1004340	NELSON, SHANE
34275	3092720301019120	1003786	STACY, MICHAEL
34276	3092720301019130	1004636	NAVE, DEBRA
34277	3092720301019130	1004639	McCAFFERTY, LAURA & MICHAEL
34278	3092720301019130	1000474	AINBINDER, MICHAEL
34279	3092720301019130	1007582	LARSEN, LARRY
34280	3092720301019130	1005045	JENKINS, BRYAN
34281	3092720301019130	1002744	PEPIN, JASON MICHAEL
34282	3092720301019130	1008478	ROBERTS, MARY KAY
34283	3092720301019130	1002409	LARSEN, LARRY
34284	3092720301019130	1000229	McCAFFERTY, LAURA & MICHAEL
34285	3092720301019130	1006047	ANDERSON, JOHN THOMAS 5TH
34286	3092720301019140	1000418	REINHART, SUSAN &
34287	3092720301019140	1000504	GADADE, VAIBHAV NARAYAN
34288	3092720301019140	1004643	WEBB, CASEY
34289	3092720301019140	1007432	WARMUS, KATHERINE PATRICIA & RICHARD LEN
34290	3092720301019140	1007433	TMT PROPERTIES LLC
34291	3092720301019140	1004869	NIELSEN, MORRIS JR

34292	3092720301019140	1009197 JORDA, STEPHANIE &
34293	3092720301019140	1006561 JOE, JULIAN & CLARA ELLEN
34294	3092720301019140	1006510 LAVENGER, ROBERT L
34295	3092720301019140	1004695 ORY, DOTTIE
34296	3092720301019150	1007855 JAYS HANDYMAN SERVICE INC
34297	3092720301019150	1002416 IRETON, SCOT RAY
34298	3092720301019200	1009107 FREE, RON & VALERIE
34299	3092720301019200	1006449 GOOD-FREE, VALERIE
34300	3092720301019200	1002451 FRANCOM, JOSHUA
34301	3092720301019200	1000611 DUNCAN, BRITTANY
34302	3092720301019200	1004797 KWASNIEWSKI, JOHN DAVID
34303	3092720301019200	1008501 BROOKS, SHAWN MICHAEL
34304	3092720301019200	1005212 SAGER, ALLAN DEAN JR
34305	3092720301019200	1004786 McCAFFERTY, LAURA & MICHAEL
34306	3092720301019200	1001311 JP ENTERPRISES OF MT LLC
34307	3092720301019210	1008192 PHILLIPS, LORI
34308	3092720301019210	1000409 WILLIAMS, JANET G & RYAN SCOTT
34309	3092720301019210	1004637 HIX, SABRINA
34310	3092720301019210	1006893 SMART, BARBARA ANN
34311	3092720301019210	1004647 ENGEN, MANDI
34312	3092720301019210	1005488 NORRIS, TIM
34313	3092720301019210	1000281 RAZ, ELIZABETH
34314	3092720301019210	1000044 LARSEN, LARRY
34315	3092720301019210	1008850 WOGAN, KERI A
34316	3092720301019210	1006189 NIELSEN, MORRIS MOLLER JR
34317	3092720301019220	1002347 BLAYLOCK, CHRISTINE
34318	3092720301019220	1007456 KENNETH E & MARY R SCHLEINING TRUST
34319	3092720301019220	1003966 TURNSPLENTY, VERA BEULAH
34320	3092720301019220	1002710 ZIMMERMAN, ALEXANDRA JAE
34321	3092720301019220	1008185 GARDNER, BRIAN JACKSON
34322	3092720301019220	1008358 KNEPP, CLAUDIA
34323	3092720301019220	1002421 HIX, MICHAEL LEE & CHRISTINA JO
34324	3092720301019220	1007355 SYRING, VIRGINIA KAY
34325	3092720301019220	1005190 WILKINSON, GREGG ALAN
34326	3092720301019220	1002438 PATTERSON, GARY JAMES
34327	3092720301019230	1008999 STEPHENS, ROBERT L & PAMELA
34329	3092720301019230	1007873 MILES, TIM & RHONDA
34330	3092720301019230	1002442 MCNULTY, GRANT L & IRENE T
34331	3092720301019230	1007168 POELMA, KEVIN MICHAEL
34332	3092720301019230	1002444 VALDEZ, ELSA & CARLOS
34333	3092720301019230	1009696 SCHLEINING, JEREMY RAY
34334	3092720301019230	1002513 TMT PROPERTIES LLC
34335	3092720301019230	1006154 ESTRADA, ELENA GUADALUPE
34336	3092720301019230	1007506 COOPER, JACK WARREN &
34337	3092720301019240	1004445 BURGIN, JERRY
34338	3092720301019240	1007373 MOORE, TERESA LYNN
34339	3092720301019240	1000497 BAILEY, MARY F E

34340	3092720301019240	1006291 SCHLEINING, PENNY LANE
34341	3092720301019240	1001763 JENKINS, JOYCE E &
34342	3092720301019240	1006366 ANTHONY, RILEY
34343	3092720301019240	1000999 ZWICKEL, PATRICIA A
34344	3092720301019240	1005046 STANDISH, SARAH L
34345	3092720301019240	1000632 HUSTON, MICHAEL LEE
34346	3092720301019240	1000163 McCAFFERTY, LAURA & MICHAEL
34347	3092720301019300	1002341 RATCLIFF, RANDALL CARLISLE & RANA ANN
34348	3092720301019300	1007656 MEADOWLARK CAPITAL LLC
34349	3092720301019300	1002342 BOGGESS, SAMUEL DEAN
34350	3092720301019300	1009393 CARLSON, MONICA JOY
34351	3092720301019300	1008067 IRETON, ERIC
34352	3092720301019300	1007611 NETZEL, DEBRA
34353	3092720301019300	1007366 GARDNER, BRIAN
34354	3092720301019300	1007120 TAYLOR, JASON ROBERT &
34355	3092720301019300	1003810 PADILLA, MIKE
34356	3092720301019310	1004646 McCAFFERTY, LAURA & MICHAEL
34357	3092720301019310	1005791 FREE, RON & VALERIE
34358	3092720301019310	1008661 HANSEN, ROBERT M
34359	3092720301019310	1000825 PEAVY, ANTWAN
34360	3092720301019310	1000272 MINCHEW, PATRICIA LORRAINE & AMANDA NICOLE
34361	3092720301019310	1009500 POTTER, JAMES W & DEE M
34362	3092720301019310	1002675 HOLBROOK, BERTHA BONDURANT
34363	3092720301019310	1000288 GARDNER, BRIAN JACKSON
34364	3092720301019310	1000393 LARSEN, LARRY
34365	3092720301019310	1002354 HULL, SHAUNEL
34366	3092720301019320	1002355 BRAWLEY, ROBYN
34367	3092720301019320	1007997 SANDERSON, JOHNNY W
34368	3092720301019320	1006231 GLIDEWELL, JUSTIN
34369	3092720301019320	1004147 ACKLES, GARY ROBERT
34370	3092720301019320	1008693 FRANK, TIMOTHY GLEN & AMBER LYNN
34371	3092720301019320	1008440 LARSON, FAI DARLENE
34372	3092720301019320	1000401 HOLBROOK, DANNY L
34373	3092720301019320	1007579 HOLBROOK, BERTHA BONDURANT
34374	3092720301019320	1006505 HART, LEONARD RAY JR
34375	3092720301019320	1002613 JOHNSON, WINDA LEEANNA & ANGELA CARRIE
34376	3092720301019330	1005714 BROTHERS 3 INVESTMENTS LLC
34377	3092720301019330	1006986 PASTIAN, LAURA ALLEN
34378	3092720301019330	1002366 ALVAREZ, ALDO
34379	3092720301019330	1007558 McCAFFERTY, LAURA & MICHAEL
34380	3092720301019330	1006801 ZAPP, MARY M
34381	3092720301019330	1004986 WICKLUND, J J
34382	3092720301019330	1002370 HERINGER, MCLAINE CURTIS
34383	3092720301019330	1005681 LARSEN, LARRY STOREY
34384	3092720301019340	1007833 APUZZO, YOLANDO GOMEZ &
34385	3092720301019340	1007832 MORRISON, ANDREW C
34386	3092720301019340	1007604 BOWERS, LANNY WAYNE

34387	3092720301019340	1004989 PACKARD, MARILYN L
34388	3092720301019340	1005101 WALTER, TRISTAN STEVEN
34389	3092720301019340	1006084 NIELSEN, MORRIS MOLLER JR
34390	3092720301019340	1006177 SPECK, MARVINALLAN & JENNIFER
34391	3092720301019340	1004499 RUFF, CLINTON
34392	3092720301019400	1006975 McCRACKEN, RON & CARLA
34393	3092720301019400	1006272 KOMAROSKI, LOUISE A & STEPHEN LOUIS
34394	3092720301019400	1008055 WOODARD, JUDY
34395	3092720301019400	1004772 CUELLAR, MICHAEL ANTHONY
34246	3092720301018330	
34328	3092720301019230	
34396	3092720301019400	1007459 TMT PROPERTIES LLC
34397	3092720301019400	1002858 WOODARD, STEVE
34398	3092720301019400	1005044 McCAFFERTY, LAURA & MICHAEL
34399	3092720301019400	1006713 BETHEL, CHERYL
34400	3092720301019400	1003695 PEREZCHICA, ALEXANDRA
34401	3092720301019400	1000236 EUBANK, GWENDALYN
34402	3092720301019410	1005474 MOON, SACHUL
34403	3092720301019410	1002916 LC PROPERTIES LLC
34404	3092720301019410	1002340 MOODY-HABETS, JESSICA
34405	3092720301019500	1002303 BOEHME, PAT & FOSTER
34406	3092720301019500	1001728 CASTRO, JEREMY
34407	3092720301019500	1000232 HERINGER, ERIN NICOLE
34408	3092720301019500	1000775 LARSEN, LARRY
34409	3092720301019500	1003573 SMITH, TAMMY
34410	3092720301019500	1000681 CONTRERAS, EMMA
34411	3092720301019500	1004596 BRADLEY, SARA A
34412	3092720301019500	1002308 WEBB, JACK
34413	3092720301019500	1008068 REID, ROBERT L &
34414	3092720301019500	1008104 DEARDORFF, TERESA LOUANN
34415	3092720301019510	1004061 WILEY, RON
34416	3092720301019510	1000531 PHELPS, RICHARD & SUSAN
34417	3092720301019510	1001065 TOKAR, DERRICK WILLIAM
34418	3092720301019510	1000433 BARBOUR, GAYLE L
34419	3092720301019510	1002314 KENOWSKI, JEREMIAH
34420	3092720301019510	1002315 OLSON, ROY & MARCELLA
34421	3092720301019510	1002316 GRUNDHAUSER, WILLIAM R & BRITANI A
34422	3092720301019510	1002317 CUMMINGS, EARL W & MARY A
34423	3092720301019510	1002532 PATTERSON, TRAVIS
34424	3092720301019510	1001869 LARSEN, LARRY STOREY
34425	3092720301019520	1006504 REYNOLDS, SUMMER MARIE
34426	3092720301019520	1007238 WAKLEY, JOHNNY LEE
34427	3092720301019520	1002251 SCHILLINGER, LEON
34428	3092720301019520	1002322 DeBUSE, SHIRLEY
34429	3092720301019520	1006363 JACOBS, VANCE CHARLES &
34430	3092720301019520	1008379 ANTON, KATELYN
34431	3092720301019520	1008792 ERHART, DIANA MARIE

34432	3092720301019520	1000357
34433	3092720301019520	1002330 McCAFFERTY, LAURA & MICHAEL
34434	3092720301019520	1001883 GARDNER, BRIAN
34435	3092720301019530	1008209 TMT PROPERTIES LLC
34436	3092720301019530	1002329 LENNICK, LARRY D II
34437	3092720301019600	1004321 McCAFFERTY, LAURA & MICHAEL
34438	3092720301019600	1004547 BRUM, RUSSELL W
34439	3092720301019600	1007887 RAYMOND, RICK E & CINDY J
34440	3092720301019600	1007448 FISHER, GARY
34441	3092720301019600	1000400 GREEN, JEFF A
34442	3092720301019600	1002269 GANDARA, MARIA L
34443	3092720301019600	1000093 FREE, KEN
34444	3092720301019600	1003907 LADOUCEUR, NORMA
34445	3092720301019600	1002285 LAZZERI, GIADA
34446	3092720301019600	1006192 JENKINS, AMANDA LYNN
34447	3092720301019610	1002287 CORTEZ, MICHAEL D
34448	3092720301019610	1002299 McCAFFERTY, LAURA & MICHAEL
34449	3092720301019610	1002289 CORTEZ, AMANDA
34450	3092720301019610	1004336 SALAZAR, DANIEL
34451	3092720301019610	1002291 SALAZAR, DANIEL
34452	3092720301019610	1009592 LARSEN, LARRY
34453	3092720301019610	1001043 WOODARD, STEVEN LYNN & JUDY A
34454	3092720301019610	1001738 NESS, CHAD & ANITA
34455	3092720301019610	1001916 ANTHONY, NEWTON & ARLENE
34456	3092720301019610	1005796 McCAFFERTY, LAURA & MICHAEL
34457	3092720301019620	1002297 DUGGINS, JAMES
34458	3092720301019620	1007598 ONE BEAR, CURTIS
34459	3092720301019620	1000171 McCAFFERTY, LAURA & MICHAEL
34460	3092720301019620	1005389 WOODARD, JUDY
34461	3092720301019620	1004984 IBARRIA, OBDULIO SALAZAR
34462	3092720301019620	1005567 MADDEN, KATHY & CHARLES

B.O.C.C. Regular**Agenda Item 2.****Meeting Date:** 11/02/2021**SUBJECT:** Victory Hill Subdivision - Preliminary Minor Plat**THROUGH:** Monica Plecker**FROM:** Dave Green

TOPIC

Victory Hill Subdivision - Preliminary Minor Plat

INTRODUCTION

On October 1, 2021, Essex Surveying submitted to the Planning Division an application for Victory Hill Subdivision minor preliminary plat. The property is generally located on the north east corner of the intersection of State Highway 47 and Beet Dump Road, Custer Montana. This subdivision would create 5 lots from Tract 1 of COS 3793. The land is outside of County zoning.

RECOMMENDATION

Staff recommends the Board of County Commissioners conditionally approve the preliminary plat of Victory Hill Subdivision, adopt the Findings of Fact as presented in the staff report and approve the variance request.

VARIANCE REQUESTED

The subdivider has requested a variance from Section 4.4 D, no single lot may be divided by a public road, alley or access easement.

Staff is recommending approval of the variance request.

Further explanation and analysis can be found in Attachment A.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed storm water management.
2. To protect public health and safety and provide for future dry hydrant maintenance, prior to final plat approval, the applicant will provide installation and tank specifications to Custer Fire Department, prior to installation, for review and approval. When installed the applicant will have the system tested and signed off by the Custer Fire Department. The applicant will create an RSID for the new dry hydrant system for the subdivision.
3. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for preferred mail delivery box type. The applicant will coordinate the locations and provide the correct amount of space for safely delivering the mail to the residents.
4. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Pre-application meeting August 5, 2021
- Preliminary plat application submitted to Planning Division October 1, 2021
- Preliminary plat to Yellowstone County Board of County Commissioners November 2, 2021
- 35 working-day preliminary plat review period ends November 22, 2021.

PLAT INFORMATION

General location: North east corner of the intersection of State Highway 47 and Beet Dump Road, Custer Montana

Legal Description: Tract 1, COS 3793

Owner/Subdivider: Nissley – Link Family Trust

Surveyor/Engineer: Essex Surveying

Existing Zoning: Outside Zoning

Proposed Zoning: None

Existing Land Use: Native grassland

Proposed Land Use: Residential/Ag

Gross area: 107.974

Net area: 107.94

Proposed number of lots: 5

Max.: 25.33

Min.: 20.66

Parkland requirements: There is no required parkland dedication as this is a minor subdivision.

PLANNING BOARD PUBLIC HEARING DISCUSSION

A public hearing is not required for minor subdivisions; however nearby property owners may attend the Board of County Commissioners meeting to provide public comment. The Planning Division has received no public comments or questions regarding the proposed subdivision.

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT

See Attachment, Findings of Fact

CONCLUSIONS OF FINDINGS OF FACT

See Attachment, Findings of Fact

RECOMMENDATION

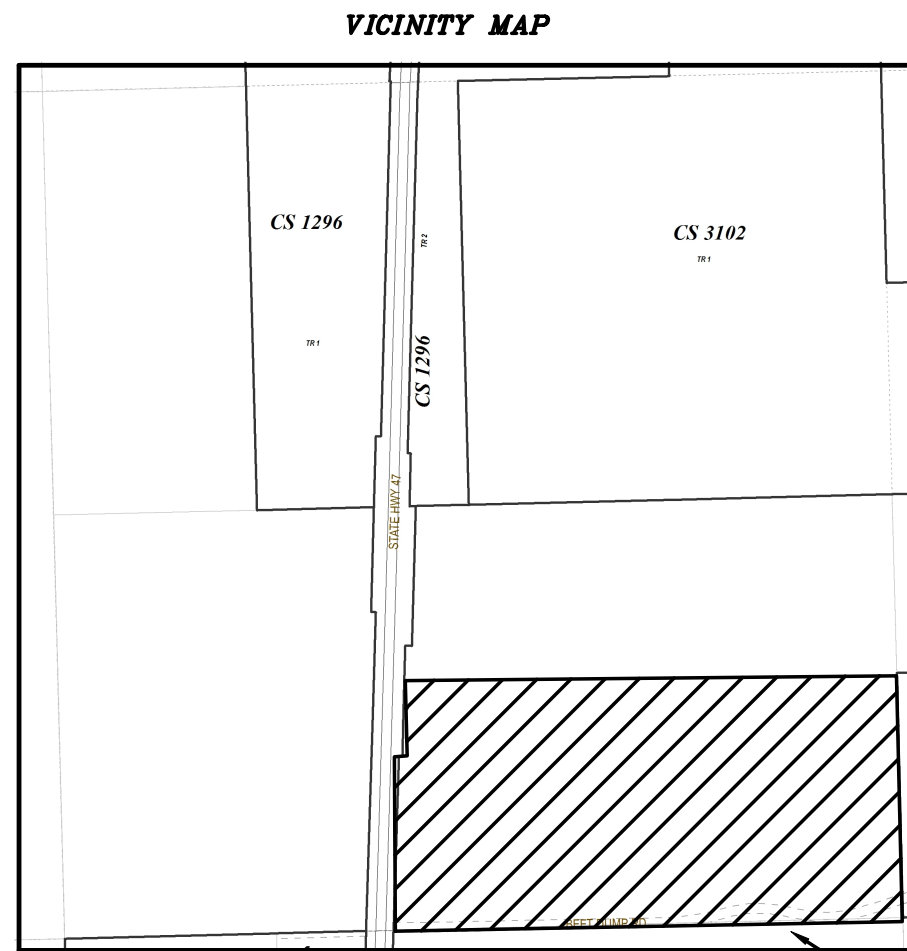
Staff recommends the Board of County Commissioners conditionally approve the preliminary plat of Victory Hill Subdivision, adopt the Findings of Fact as presented in the staff report and approve the variance request.

Attachments

Proposed Plat

Findings of Fact

Attachment A

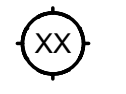


- THIS SURVEY

SECTION CORNER FOUND AS
NOTED



QUARTER CORNER FOUND AS
NOTED



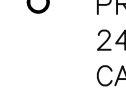
FOUND CENTER QUARTER
CORNER AS NOTED



CONCRETE RIGHT-OF-WAY MONUMENT



PROPERTY CORNER FOUND - YELLOW
PLASTIC CAP MARKED "ESSEX - 40989LS"
UNLESS OTHERWISE NOTED



24" REBAR WITH YELLOW PLASTIC
CAP MARKED "ESSEX - 40989LS"

R RECORD DISTANCE

YPC YELLOW PLASTIC CAP

CLERK AND RECORDER FILING INFORMATION

FINDINGS OF FACT

The City-County Planning Division Staff has prepared the Findings of Fact for Victory Hill Subdivision. These findings are based on the preliminary plat application and supplemental documents addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

A. What are the effects on agriculture, local services, the natural environment, wildlife and wildlife habitat and public health and safety (76-3-608 (3) (a) MCA) (Section 3.2 (H) (2) YCSR)

1. Effect on agriculture and agricultural water users' facilities

The subject property is vacant land that is not used for crop production or any current residential purposes, it could be grazing land. There are no water rights or shares for water to the proposed lots. This proposed subdivision will have minimal impact on water users' facilities.

2. Effect on local services

a. **Water and Septic** – The applicant is proposing to have wells for water on each lot in the subdivision. The proposal will meet the requirements of Section 4.9 Yellowstone County Subdivision Regulations. All proposed wells will be submitted for review and approval to the MDEQ. Those approval documents will be submitted with final plat.

The applicant is proposing to have individual drain fields on each lot. The proposal will meet the requirements of Section 4.8 Yellowstone County Subdivision Regulations. All proposed septic system will be submitted for review and approval to the MDEQ. Those approval documents will be submitted with final plat. **(Condition #1)**

The maintenance and operation of water and septic systems will be the responsibility of the property owners.

b. **Streets and roads** – The proposed lots all have access off Beet Dump Road, a gravel surface road in Yellowstone County. Beet Dump Road is maintained by Yellowstone County. It is within a private 60-foot-wide access and utility easement. This subdivision will not be building any roadways to access lots.

The applicant has requested a variance from Section 4.4 D, no single lot may be divided by a public road, alley or access easement. Beet Dump Road runs along the southern end of the proposed lots but not in a straight line. Beet Dump Road has some curvilinear portions that leave parts of Tract 1 of COS 3793 on both sides of the road, the eastern side of the tract. A very small part of proposed Lot 3 and slightly larger portions of proposed Lots 4 and 5 are split by Beet Dump Road.

c. **Fire and Police services** – The property is within Custer Fire Department jurisdiction. There is no pressurized fire hydrants or dry hydrants in the area. The

applicant will be installing a 10,000-gallon dry hydrant system for this subdivision. The applicant will provide drawings to the Custer Fire Department for review and approval prior to installation. Once the system is installed the applicant will have the Custer Fire Department test the system to ensure it works properly and will provide a letter stating it is a working dry hydrant system. The applicant will create a public easement for the dry hydrant and an RSID for the maintenance of the tank. **(Condition #2)**

The Yellowstone County Sheriff's Department will provide law enforcement services to this subdivision.

d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.

e. **Storm water drainage** – Storm water drainage for new lots shall satisfy Section 4.7, Yellowstone County Subdivision Regulations and the requirements of MDEQ.

Because these lots are over 20 acres the storm water will be allowed to continue to drain as it has historically done.

f. **School facilities** – The proposed subdivision is located within Custer School District. Custer School District provides educational services for Elementary, Middle school and High School students. Custer School District did not respond to the request for information prior to the writing of this report.

g. **Parks and recreation** – This proposed subdivision is not required to provide parkland. Yellowstone County Subdivision Regulations Section 10.8 A. A Minor Subdivision is not required to provide parkland.

h. **Postal Service** – The applicant will coordinate preferred box type and placement with the USPS to ensure safety for the mail delivery person. **(Condition #3)**

i. **Historic features** – No known historic or cultural assets exist on the site.

j. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. Prior to final plat approval, the applicant will apply for and obtain a weed management plan with the County Weed Department. That plan will be submitted with final plat approval. **(Condition #4)**

There are no apparent or known natural hazards on the property.

4. Effects on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. A paragraph in

the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

5. Effects on public health and safety

Plans and designs for the water and septic system will be reviewed and approved by MDEQ prior to final plat approval to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Billings Fire Department as part of the BUFSA and the Yellowstone County Sheriff's department.

B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-603 MCA) (Chapter 9, YCSR)

An environmental assessment was not required for this subdivision according to Yellowstone County Subdivision Regulations, Section 9.2 C. 1, a first minor subdivision from a tract of record. There are no known issues on the land, the property is dryland grass and scrub.

C. Does the subdivision conform to the Yellowstone County 2008 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. Yellowstone County - 2008 Growth Policy

The subdivision is consistent with the following goals of the Growth Policy:

- Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)

The subdivision is consistent with the type of large lot residential development in the surrounding area.

- Goal: New developments that are sensitive and compatible with the character of adjacent County town sites. (p. 6)

This proposed subdivision will be the same type of development that is currently in the area.

- Goal: Controlled weed populations. (p. 9)

The developer shall complete a weed management plan and shall provide a re-vegetation plan for any ground disturbed by development.

2. 2018 Billings Urban Area Long Range Transportation Plan

This subdivision is outside the 2018 Billings Urban Area Long Range Transportation Plan. The subject property maintains the road system as existing in the area.

3. Billings Area Bikeway and Trail Master Plan (BBTMP)

This subdivision is outside the BBTMP. This development will not be required to build any trail as part of the subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act (MSPA) and to local subdivision regulations? [MCA 76-3-608 (3) (b) and Section 3.2 (3) (a) YCSR]

The proposed subdivision meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

E. Does the subdivision conform to sanitary requirements? [Section 4.8 (C) and 4.9 (C), YCSR]

The subdivider must meet the requirements the Yellowstone City-County Health Department prior to final approval. MDEQ requirements do not apply in this situation because the lots are all over 20 acres.

F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2 (H) (3) (e), YCSR]

The proposed subdivision is outside of County zoning.

G. Does the subdivision provide for necessary planned utilities? [MCA 76-3-608 (3) (c) and Section 3.2 (H) (3) (b), YCSR]

Should the private utility companies require easements the applicant will be required to coordinate the easements needed with the private utility companies.

H. Does the proposed subdivision provide for Legal and Physical Access to all lots? [MCA 76-3-608 (3) (d) and Section 3.2 (H) (3) (c) (d), YCSR]

Legal and physical access will be provided for the new proposed lots from Beet Dump Road.

CONCLUSIONS OF FINDINGS OF FACT

- This subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final plat approval.
- The subdivision conforms to some of the goals of the Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

RECOMMENDATION

The Planning Division recommend conditional approval of the preliminary plat of Victory Subdivision, to the Board of County Commissioners, adopt the Findings of Fact as presented in the staff report, the SIA and approval of the requested variance.

Attachment A

Staff Analysis and Recommendation

County Planning, County Public Works, County Legal staff have reviewed the request for a variance from **Section 4.4 D, no single lot may be divided by a public road, alley or access easement.**

The applicant has requested this variance, see Request Letter included below this analysis.

Beet Dump Road has been in its current design for around 40 years. The road is maintained by the county and rerouting it at this time would be overly burdensome to the subdivider or new owners.

Here is an opinion from County Legal regarding the variance request.

A landowner wants to subdivide land with an existing road on the land. Generally, the road runs along the southern boundary of the land. The road serpentine up and down towards the eastern end of the land. Towards the eastern end of the land, some of the land is north of the road and some of the land is south of the road. There is no viable way for the land south of the road to be made into their own lots. The land is too small. The proposed subdivision will have two lots with land on both sides of the road. This is a violation of the prohibition that no single lot may be divided by a public road, alley or access easement. Under the circumstances, it makes sense for the road to divide the lots. I believe we should acknowledge the lot formation violates a provision of the regulations, but under the circumstances, the landowner should be allowed to violate the provision because of the configuration of the land and the road. The County should provide the landowner with a variance from the provision.

Sincerely yours,

Mark English
Deputy Yellowstone County Attorney
August 23, 2021

Considering Beet Dump Road has been at its current configuration for quite some time staff believes this variance should be granted.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

This variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.

Strict adherence to the letter of the regulation would have this developer, of 5 lots, relocate Beet Dump Road for no real apparent reason.

3. The variance will not result in an increase in taxpayer burden.

The variance request will not increase taxpayer burden.

4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.

Granting the variance will have no effect on zoning. This property is outside of Yellowstone County zoning jurisdiction.

5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.

There is no other alternative proposed other than the request for a variance from the strict enforcement of the regulations.

Variance request from applicant's agent

PLANNING DIVISION
2825 3RD AVENUE NORTH, 4TH FLOOR
BILLINGS, MONTANA 59101
Attn: Dave Green

RE: Request for variance

Per Dave Green, Planner II, of the City/County Planning Department and per the subdivision rules and regulations, "Subdivision regulations do not allow a road to split a lot, Section 4.4 D. No single lot may be divided by a public road, alley or access easement."

Our request, on behalf of the landowners, is to ask for a variance on this regulation for the following reasons:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

The road, Beet Dump Road, has been in existence for +/- 40 years and serves as access to surrounding properties as well as the proposed subdivision. There will be no detriment to the existing adjoining properties.

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.

It would be a significant hardship for the landowners to re-route and recreate a new road for such a small subdivision and for so few lots.

3. The variance will not result in an increase in taxpayer burden.

The road is already existing and should not create any increase in taxpayer burden. Also, the road is already maintained by Yellowstone County.

4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.

The subdivision is outside of zoning regulations and the Growth Policy.

5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.

No alternative designs are requested.

Sincerely,

Lynn Essex
Essex Surveying LLC
406-670-7981

B.O.C.C. Regular

Agenda Item 1.

Meeting Date: 11/02/2021

Title: COS 3666 Ag Covenant

Submitted For: Jeff Martin, Clerk And Recorder

Submitted By: Jeff Martin, Clerk And Recorder

TOPIC:

Amended Tracts 1 and 2, Certificate of Survey 3666, and Agricultural Covenant for Tract 1A

BACKGROUND:

Reviewed

RECOMMENDED ACTION:

Execute

Attachments

Ag Covenant 3666

Return to:
Patterson Reporting Services, Inc.
485 Pryor Creek Rd
Huntley, MT 59037

DECLARATION OF AGRICULTURAL COVENANT

THIS DECLARATION, made and entered into on this ____ day of _____, 2021, by and between Patterson Reporting Services, Inc., the owner of that certain tract of land situated in the S½N½ Section 18, T. 1 N., R. 28 E., P.M.M., described as TRACT 1A AND TRACT 2A OF AMENDED TRACTS 1 AND 2, CERTIFICATE OF SURVEY No. 3666, hereinafter called "Declarant" and the County of Yellowstone, hereinafter called "County",

WHEREAS, Tract 1 of Certificate of Survey No. 3666 is subject to that certain Agricultural Covenant recorded under Document No. 3821560, records of Yellowstone County, Montana; and

WHEREAS, the "Declarant" wishes to revise the boundary of the above described Tract 2 by the process of a Certificate of Survey; and

WHEREAS, the parties to this agreement do hereby agree that the provisions of the Declaration of Agricultural Covenant imposed upon the above described Tract 1 are hereby terminated and revoked with the filing of Amended Tracts 1 and 2, Certificate of Survey No. 3666 in the office of the Clerk and Recorder of Yellowstone County, Montana.

WHEREAS, pursuant to Section 76-3-207 (1)(c), M.C.A., a covenant must be entered into between the landowner and the governing body stating that the divided land will be used exclusively for agricultural purposes;

NOW, THEREFORE, the "Declarant" does hereby certify that the subject lands, which contain less than one hundred sixty acres, shall be held, sold and conveyed in any manner subject to the following covenant, which shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, executors, successors, administrators and assignees, and shall bind each owner thereof. This covenant may be revoked by the mutual consent of the owners of the properties in question and the governing body of Yellowstone County. The governing body is deemed to be a party to and may enforce this covenant, TO WIT:

Tract 1A, as shown on Amended Tracts 1 and 2 of Certificate of Survey No. 3666, on file in the office of the Clerk and Recorder of Yellowstone County under Document Number _____, which contains less than one hundred sixty acres, shall be used exclusively for agricultural purposes and no building or structure requiring water or sewage facilities will be erected or utilized thereon. Any change in use of the land for anything other than agricultural purposes subjects the effected parcel to the provisions of the Montana Subdivision and Platting Act for the review and approval of subdivisions.

Return to:
Patterson Reporting Services, Inc.
485 Pryor Creek Rd
Huntley, MT 59037

Declarant

Patterson Reporting Services, Inc.

By: Teen Patterson

Title: president

Board of County Commissioners,
Yellowstone County, Montana

By: _____
Commissioner

By: _____
Commissioner

By: _____
Commissioner

Acknowledged: _____
Clerk and Recorder

STATE OF MONTANA)
County of Yellowstone)
:ss

On this _____ day of _____, 2021, before me, a Notary Public for the State of Montana, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same as _____ of Patterson Reporting Services, Inc.

Notary Public in and for the State of Montana

STATE OF MONTANA)
County of Yellowstone)
:SS

On this _____ day of _____, 2021, before me, a Notary Public in and for the State of Montana, personally appeared _____, _____, known to me to be the _____, the Clerk and Recorder of Yellowstone County Montana who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana

B.O.C.C. Regular

Agenda Item 2.

Meeting Date: 11/02/2021

Title: Board Reappointments

Submitted By: Erika Guy

TOPIC:

Board Reappointment - Blaine Poppler & Tyler Bush to Adjustment Board/ Jarrett Hillius to City/County Planning Board/ Tobin Novasio to Lockwood Pedestrian Safety District Advisory Board

BACKGROUND:

See Attachment

RECOMMENDED ACTION:

Sign and Mail

Attachments

Adjustment Board

Adjustment Board 2

City/County Planning

Lockwood Pedestrian Safety District Advisory Board

Yellowstone County



COMMISSIONERS
(406) 256-2701
(406) 256-2777 (FAX)

P.O. Box 35000
Billings, MT 59107-5000
bocc@yellowstonecountymt.gov

November 2nd, 2021

Mr. Blaine Poppler
5403 King Ave. West
Billings, MT 59106

RE: Re-appointment to Adjustment Board

Dear Mr. Poppler,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to December 31, 2023.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Donald W. Jones, Chair

John Ostlund, Member

Denis Pitman, Member

BOCC/eg

c: Board File - Clerk & Recorder
Ms. Nicole Cromwell, 2825 3rd Ave. N. 4th Floor, Billings, MT 59101

BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA

NAME: Blaine Poppler HOME PHONE: _____
ADDRESS: 5403 King Ave. West WORK PHONE: 671-0399
CITY: Billings STATE: MT ZIP: 59106
BUSINESS OR JOB: Real Estate Broker
E-MAIL ADDRESS: blaine@cbcmontana.com
BOARD OR COMMISSION APPLIED FOR: board of adjustment

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):
currently serving

Why do you wish to serve on this Board or Commission?
to continue guiding development in the best interest of the community

Additional information that you feel is pertinent (attach additional sheets if needed):

Blaine Poppler 10-26-21
Signature Date

Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000

OFFICE USE ONLY:		
APPOINTED:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/> DATE <u>11-2-21</u>
TERM EXPIRATION DATE: <u>12/31/23</u>		
(Circle one)		
ORIGINAL APPOINTMENT	<u>REAPPOINTMENT</u>	TERM NO: <u>2</u>

Yellowstone County



COMMISSIONERS
(406) 256-2701
(406) 256-2777 (FAX)

P.O. Box 35000
Billings, MT 59107-5000
bocc@yellowstonecountymt.gov

November 2nd, 2021

Mr. Tyler Bush
4820 Cedar Ridge Circle
Billings, MT 59106

RE: Re-appointment to Adjustment Board

Dear Mr. Bush,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to December 31, 2023.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Donald W. Jones, Chair

John Ostlund, Member

Denis Pitman, Member

BOCC/eg

c: Board File - Clerk & Recorder
Ms. Nicole Cromwell, 2825 3rd Ave. N. 4th Floor, Billings, MT 59101

BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA

NAME: Tyler Bush HOME PHONE: (406) 534-4906
ADDRESS: 4820 Cedar Ridge Circle WORK PHONE: (406) 426-0079
CITY: Billings STATE: MT ZIP: 59106
BUSINESS OR JOB: Mechnaical Engineer - McKinstry
E-MAIL ADDRESS: tylerb@mckinstry.com
BOARD OR COMMISSION APPLIED FOR: County Board of Adjustment

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

I have previoulsy served on this board for the last couple of years. I am a mechnaical engineer involved with the construction of commercial projects. I also serve on the county zoning commission and assisted with the development of Project ReCode.

Why do you wish to serve on this Board or Commission?

I would like the opporunity to serve my community, utilizing my skill set in project development and engineering.

Additional information that you feel is pertinent (attach additional sheets if needed):

Tyler Bush 10/26/2021
Signature Date

Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000

OFFICE USE ONLY:		
APPOINTED:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/> DATE <u>11/2/21</u>
TERM EXPIRATION DATE: <u>12/31/23</u>		
(Circle one)		
ORIGINAL APPOINTMENT	<input checked="" type="radio"/> REAPPOINTMENT	TERM NO: <u>3</u>

Yellowstone County



COMMISSIONERS
(406) 256-2701
(406) 256-2777 (FAX)

P.O. Box 35000
Billings, MT 59107-5000
bocc@yellowstonecountymt.gov

November 2nd, 2021

Mr. Jarrett Hillius
6870 Sandy Springs Cir.
Billings, MT 59106

RE: Re-appointment to City/County Planning Board

Dear Mr. Hillius,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to December 31, 2023.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Donald W. Jones, Chair

John Ostlund, Member

Denis Pitman, Member

BOCC/eg

c: Board File - Clerk & Recorder
Ms. Tammy Dienes, 2825 3rd Ave. N. 4th Floor, Billings, MT 59101

NOV 15 2019

BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA

NAME: Jarrett Hillius HOME PHONE: 701-870-3571
ADDRESS: 6870 Sandy Springs Cir WORK PHONE: -
CITY: Billings STATE: MT ZIP: 59106
BUSINESS OR JOB: Civil Engineer
E-MAIL ADDRESS: jarrett.hillius@gmail.com
BOARD OR COMMISSION APPLIED FOR: County Planning Board - District 7

10/28/21
Reuse
App.

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

- Civil Engineering background - construction of roads, water, sewer
Land survey, etc

Why do you wish to serve on this Board or Commission?

- Continue to improve the organization of the community around me

Additional information that you feel is pertinent (attach additional sheets if needed):

- Learned alot in my first year with this Board and hope to continue
to help and be more active in board decisions

Jarrett Hillius

Signature

Date

10-14-19

Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000

OFFICE USE ONLY:

APPOINTED: YES ☒ NO ☐ DATE 11/2/21
TERM EXPIRATION DATE: 12/31/23

(Circle one)

ORIGINAL APPOINTMENT ☐ REAPPOINTMENT ☒

TERM NO: 3

Yellowstone County



COMMISSIONERS
(406) 256-2701
(406) 256-2777 (FAX)

P.O. Box 35000
Billings, MT 59107-5000
bocc@yellowstonecountymt.gov

November 2nd, 2021

Mr. Tobin Novasio
3455 Ford Rd.
Lockwood, MT 59101

RE: Re-appointment to Lockwood Pedestrian Safety District Advisory Board

Dear Mr. Novasio,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to December 31, 2024.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Donald W. Jones, Chair

John Ostlund, Member

Denis Pitman, Member

BOCC/eg

c: Board File - Clerk & Recorder
Ms. Brandy Dangerfield, 3530 Kingswood Drive, Billings, MT 59101

BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA

MAR 24 2014

NAME: Tobin Novasio HOME PHONE: 855-3910 11/26/18- reuse app
ADDRESS: 3455 Ford Road WORK PHONE: 867-6207 10/28/21 Reuse App
CITY: Lockwood STATE: MT ZIP: 59107 Yellowstone County Commissioners RECEIVED
BUSINESS OR JOB: Superintendent - Lockwood Schools NOV 26 2018
E-MAIL ADDRESS: novasio.t@lockwoodschools.org
BOARD OR COMMISSION APPLIED FOR: Lockwood Safety


Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

- 12 years of school administration
- Developing Bus Routes

Why do you wish to serve on this Board or Commission?

- Coordinate with safety getting students to school and home

Additional information that you feel is pertinent (attach additional sheets if needed):


Signature

4/20/14
Date

Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000

OFFICE USE ONLY:

APPOINTED: YES ☒ NO ☐ DATE 11/2/21
TERM EXPIRATION DATE: 12/31/24

(circle one)

ORIGINAL APPOINTMENT

REAPPOINTMENT

TERM NO: 4

B.O.C.C. Regular

Agenda Item 3. a.

Meeting Date: 11/02/2021

Title: Bond for Lost Warrant

Submitted By: Anna Ullom, Accountant

TOPIC:

Bond for Lost Warrant

BACKGROUND:

Bond for Lost Warrant on lost/stale check

RECOMMENDED ACTION:

Approve reissue

Attachments

BFLW

BFLW

BOND FOR LOST WARRANT

On February 25, 2020 Yellowstone County issued a warrant numbered 491563 to Levi Robison (Principal) in the amount of \$458.00. The warrant was drawn in payment of claim number 543955. Principal now attests that the warrant has been lost or destroyed, and it has undertaken a diligent search but has been unable to recover the warrant. Moreover, Principal has not received payment on the claim. Therefore, Principal has requested that Yellowstone County issue a duplicate warrant in the same sum of \$458.00 to replace the lost or destroyed warrant.

WHEREFORE, Principal agrees to indemnify and hold harmless Yellowstone County and its officers from all loss, costs, or damages incurred as a result of issuing the duplicate warrant, should Yellowstone County issue a duplicate warrant, and agrees to release any and all claims that principal may have against Yellowstone County now or in the future as related to payment of the above stated claim. Principal also agrees to pay to any person entitled to receive payment under the original warrant, as the lawful holder of the original warrant, all monies received upon the duplicate warrant.

Further, Principal agrees to bind itself, its heirs, assigns, executors, administrators, successors and assigns, jointly and severally, for twice the amount of the original warrant as required by M.C.A. 7-7-2104 (2), which is \$916.00 and may be enforced in the event the Principal cashes both the original warrant and the replacement warrant. In addition, Principal agrees to pay reasonable attorney's fees, and to cover all losses, damages, and other costs incurred by Yellowstone County in enforcing its rights under this bond.

Signed this 27th day of October, 20 21.

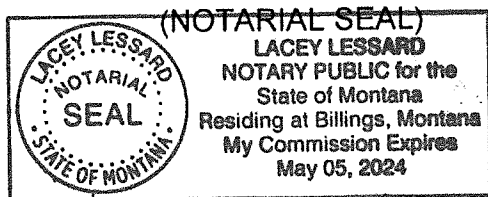
Levi Robison
Principal

[Signature]
Principal

217 N. 27th St. Room 312
Mailing Address for replacement check

Billings, MT 59101

SUBSCRIBED AND SWORN to before me this 27th day of October, 20 21.



Lacey Lessard
Notary public for the State of Montana
Residing at Billings, Montana
My commission expires May 5, 2024

APPROVED:

Chair, Board of County Commissioners

Date

Replaced with warrant # _____ (completed by County)

10/18/21

BOND FOR LOST WARRANT

On February 25, 2020 Yellowstone County issued a warrant numbered 491563 to Levi Robison (Principal) in the amount of \$458.00. The warrant was drawn in payment of claim number 543955. Principal now attests that the warrant has been lost or destroyed, and it has undertaken a diligent search but has been unable to recover the warrant. Moreover, Principal has not received payment on the claim. Therefore, Principal has requested that Yellowstone County issue a duplicate warrant in the same sum of \$458.00 to replace the lost or destroyed warrant.

WHEREFORE, Principal agrees to indemnify and hold harmless Yellowstone County and its officers from all loss, costs, or damages incurred as a result of issuing the duplicate warrant, should Yellowstone County issue a duplicate warrant, and agrees to release any and all claims that principal may have against Yellowstone County now or in the future as related to payment of the above stated claim. Principal also agrees to pay to any person entitled to receive payment under the original warrant, as the lawful holder of the original warrant, all monies received upon the duplicate warrant.

Further, Principal agrees to bind itself, its heirs, assigns, executors, administrators, successors and assigns, jointly and severally, for twice the amount of the original warrant as required by M.C.A. 7-7-2104 (2), which is \$916.00 and may be enforced in the event the Principal cashes both the original warrant and the replacement warrant. In addition, Principal agrees to pay reasonable attorney's fees, and to cover all losses, damages, and other costs incurred by Yellowstone County in enforcing its rights under this bond.

Signed this 27th day of October, 20 21.

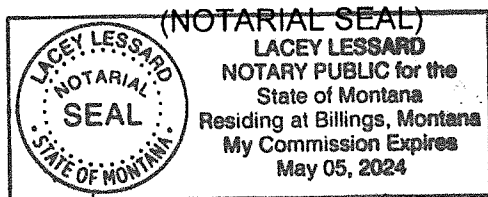
Levi Robison
Principal

[Signature]
Principal

217 N. 27th St. Room 312
Mailing Address for replacement check

Billings, MT 59101

SUBSCRIBED AND SWORN to before me this 27th day of October, 20 21.



Lacey Lessard
Notary public for the State of Montana
Residing at Billings, Montana
My commission expires May 5, 2024

APPROVED:

Chair, Board of County Commissioners

Date

Replaced with warrant # _____ (completed by County)

10/18/21

B.O.C.C. Regular

Agenda Item 3. b.

Meeting Date: 11/02/2021**Title:** Sheriffs Office Detention Facility- Recommendation of Award to TW Clark Const. for Multi-Purpose Room Remodel**Submitted For:** James Matteson, Purchasing Agent**Submitted By:** James Matteson, Purchasing Agent

TOPIC:

Sheriff's Office Detention Facility - Recommendation of Award for Multi-Purpose Room Remodel to TW Clark Construction

BACKGROUND:

On October 5th, 2021 an Invitation for Bids was released for the Multi-Purpose Room Remodel at the Sheriff's Office Detention Facility. Bids were due by October 25th, 2021 and were opened and acknowledged at the Yellowstone County Commissioners regular board meeting on October 26th, 2021. Two Bids were received and were referred to committee for recommendation. Bids were reviewed by Sheriff's Office committee and by Schutz-Foss Architects. TW Clark Construction submitted the lowest bid of \$268,900.00. It is the recommendation of the architect and the selection committee to award the project to TW Clark Construction.

RECOMMENDED ACTION:

Approve the Request, return a copy to Finance and proceed to contract.

Attachments

S.O.-YCDF- Recommendation of Award-Mult-Purpose Room

James Matteson

From: Mike Linder
Sent: Wednesday, October 27, 2021 3:38 PM
To: James Matteson; Jason Valdez
Cc: Sam Bofto
Subject: RE: Yellowstone Detention Facility

Based on the bid amounts and the fact that AI is satisfied that TW Clark meets the requirements, I would follow AI's recommendation on awarding this bid.

Mike

Sheriff Mike Linder
Yellowstone County Sheriff's Office
2323 2nd Ave. North
Billings, MT. 59101

406-256-2929

Please Note New Email Address

mlinder@yellowstonecountymt.gov



From: James Matteson <jmatteson@yellowstonecountymt.gov>
Sent: Wednesday, October 27, 2021 3:24 PM
To: Mike Linder <mlinder@yellowstonecountymt.gov>; Jason Valdez <jvaldez@yellowstonecountymt.gov>
Cc: Sam Bofto <sbofto@yellowstonecountymt.gov>
Subject: FW: Yellowstone Detention Facility

FYI

From: Allen Rapacz <Allen@schutzfoss.com>
Sent: Wednesday, October 27, 2021 3:08 PM
To: James Matteson <jmatteson@yellowstonecountymt.gov>
Cc: Bowen Tubbs <bowen@schutzfoss.com>
Subject: FW: Yellowstone Detention Facility

Good afternoon, James. Based on the message below, we would recommend award of the Contract to TW Clark.

As discussed prior to release of the bid documents, there were to be no provisions for Liquidated Damages. The Bid appears to be accurate.

From: Shane Ridley <SRidley@twclark.com>
Sent: Wednesday, October 27, 2021 2:36 PM
To: Allen Rapacz <Allen@schutzfoss.com>
Subject: Yellowstone Detention Facility

Allen

I have reviewed our pricing for this work and we are good with our number and are ready to execute a contract

B.O.C.C. Regular

Agenda Item 4. a.

Meeting Date: 11/02/2021

Title: IFB for the Replacement of Bridge 28-32

Submitted For: Tim Miller, Public Works Director

Submitted By: Tim Miller, Public Works Director

TOPIC:

Invitation for Bid for the Replacement of Bridge 28-32

BACKGROUND:

Invitstion for Bid for the replacement of bridge 28-32 crosssing the BBWA on Grelck Lane. The bridge was flaged by MDT's bridge inspection because of substructure issues.

RECOMMENDED ACTION:

Approve the Invitation for Bid

Attachments

Bids

SECTION 00100
INVITATION TO BID
YELLOWSTONE COUNTY, MONTANA
2021 – 2022 PUBLIC WORKS
The Replacement of Bridge 28-32, Grelck Lane over BBWA Canal

Yellowstone County will receive sealed bids for the replacement of Bridge 28-32 per the enclosed specifications until 5:00 p.m., November 22nd, 2021. All bids must be submitted in triplicate (1 original and 2 copies) to the Board of County Commissioners, P.O. Box 35000, Billings, MT 59107 or delivered to their office in the Stillwater Building, Room 3100, 316 North 26th Street, Billings, MT 59101. Envelopes containing bids must be marked “2021/2022 Bridge Replacement 28-32 Grelck Lane over BBWA Canal” in the lower right-hand corner.

All Bids received will be time and date stamped. The time and date stamped on each bid must indicate that it was received no later than 5:00 p.m., November 22nd, 2021.

All timely bids will be opened and read aloud at 9:30 a.m., November 23rd, 2021 in the Commissioners Board Room, Room 3108, located on the third floor of the Stillwater Building. All bids received that are time and date stamped later than 5:00 p.m., November 22nd, 2021 will not be opened.

All bids must include a bid bond made in favor of Yellowstone County in an amount equal to 10% of the total bid. The security may consist of cash, a cashier's check, a certified check, a bank money order, a certificate of deposit, a money market certificate, or a bank draft. The security must be: a) drawn and issued by a federally chartered or state chartered bank or savings and loan association that is insured by or for which insurance is administered by the Federal Deposit Insurance Corporation; b) drawn and issued by a credit union insured by the National Credit Union Share Insurance Fund c) a bid bond or bonds, original only, no copies, executed by a surety company authorized to do business in the State of Montana. Personal checks, business checks, and facsimiles will not be accepted for bid security.

No bid may be withdrawn prior to sixty (60) days after the scheduled time for receipt of the bids.

Each bidder must have a current Montana Public Contractor's Registration number when submitting their bid. The number must appear on the bid. All subcontractors, if any, must obtain a registration number prior to beginning any work on the project. Bid only registrations are acceptable for the bidding process.

All contractors and subcontractors performing work pertaining to the construction, reconstruction, or improvement of any public road or street or bridge construction repair or maintenance awarded by any government agency, must obtain and maintain a Special Fuel User Permit from the Montana Department of Transportation.

The successful bidder will be required to provide the County with a performance bond and labor and materials bond, both for 100% of the contract amount, within ten days of the execution of the contract and prior to starting any work on the project. The selected Contractor will also be required to provide a copy of their commercial liability insurance certificate and workers compensation coverage prior to

beginning the project.

The successful bidder will be required to follow all the directives included in section 18-2-422 of the Montana Code Annotated concerning Montana Prevailing Wages. Those directives are as follows:

- (1) the contractor and any subcontractors are required to pay the standard prevailing wage rate, including fringe benefits, for each job classification as stated in the current prevailing wage rate schedules. This information is included in the four prevailing wage rate schedules that are being provided to each bidder as part of this bid package. The current schedules are also available at the State of Montana web-site <http://www.mtwagehourbopa.com>. It is the responsibility of the contractors to obtain and use the applicable Wage Rate Schedules. Contractor is also responsible to monitor the Wage Rate Schedules to ensure compliance with changes, if any, to prevailing rates used for this project.
- (2) each contractor and subcontractor is required to maintain payroll records in a manner readily capable of being certified for submission under statute 18-2-423, for not less than 3 years after the contractor's and subcontractor's completion of work on the project;
- (3) each contractor is required to post a statement of all wages and fringe benefits in compliance with statute 18-2-423.
- (4) The Contractor is required to comply with all other applicable provisions of Title 18, Chapter 2, Part 4 of the Montana Code Annotated.

Statute 18-2-423 is as follows: If a complaint is filed with the department alleging noncompliance with 18-2-422, the department may require the project to submit to it certified copies of the payroll records for workers employed on that project. A contractor or a subcontractor shall pay employees receiving an hourly wage on a weekly basis. If a wage violation complaint is filed with the department, the contractor or subcontractor shall provide the employee's payroll records to the department within 5 days of receiving the payroll request from the department.

The successful bidder will be required to give preference to the employment of bona fide Montana residents in the performance of the work on this project.

All state laws pertaining to Resident Bidders, both State and County will be adhered to if applicable.

A 5% retainage fee will be withheld from all progress payments made to the successful bidder. The fee will be returned to the contractor upon completion of the project and acceptance of the project by the County. The successful bidder will be required to pay the State of Montana a sum equal to 1% of the gross receipts from the public contract. The County will withhold this amount and forward it to the State of Montana.

The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, the Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects subcontractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or

national origin by the persons performing under the contract.

Information relating to the bid specifications should be addressed to Brandon Duffey, Great West Engineering, 406-281-8595. Questions concerning the bid procedure may be addressed to James Matteson at 406-256-2717.

The Board of County Commissioners will award the bridge replacement project to the lowest and best responsible bidder. The Board reserves the right to reject any or all bids received, to waive informalities to evaluate the bids submitted, and to accept the bid which best serves the interests of Yellowstone County.

Done by order of the Board of County Commissioners of Yellowstone County, MT this 2nd day of November 2021.

Board of County Commissioners
Yellowstone County, Montana

(Seal)
Attest:

Donald W. Jones, Chair

Jeff Martin, Clerk and Recorder

INSURANCE REQUIREMENTS

The successful bidder (herein after Contractor), shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County/Yellowstone County Public Works, as additional insured for this project against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars , (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence during the project and for which Yellowstone County/Yellowstone County Public Works sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain for this project at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with the project by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the project.

Contractor shall name on the Certificate of liability insurance Yellowstone County/Yellowstone County Public Works as additional insured throughout the project. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County/Yellowstone County Public Works are named as an additional insured under the Contractors insurance policy for this project. Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work on the project.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County / Yellowstone County Public Works from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence during this project. And for which Yellowstone County /Yellowstone County Public Works sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County/Yellowstone County Public Works is liable for any damages by reason of a non-delegable duty.

WORKERS COMPENSATION

Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor are Contractor's workers, employees of Yellowstone County / Yellowstone County Public Works. Workers Compensation insurance, or the exemption from the workers compensation obligation must be valid for the entire period of the project.

CHECK LIST

Please be sure you have completed the following prior to submitting your bid.

1. Read and understand the specifications and bid procedure.
2. Enclosed the required ten (10) percent bid bond.
3. Make yourself familiar with any State or County laws that pertain to this bid.
4. Asked and received answers to any questions regarding the bid procedure, specifications or questions of a general nature.
5. Addressed and mailed or delivered your bid to be received at the correct address by the time and date indicated in the Invitation to Bid.

2022 Public Works Bridge Replacement Project

Bridge 28-32, Grelck Lane over BBWA Canal

BID FORM

To: Yellowstone County Commissioners
PO Box 35000
Billings, MT 59107-5000

THE UNDERSIGNED BIDDER, having familiarized himself/herself with the work required by the bid documents, the site(s) where the work is to be performed, local labor conditions, and all laws, regulations, and other factors affecting performance of the work, and having satisfied himself/herself of the expense and difficulties attending performance of the work,

HEREBY PROPOSES and agrees, if this bid is accepted, to perform all work, including the assumption of all obligations, duties, and responsibilities necessary to the successful completion of the work and the furnishing of all labor, materials and equipment, supplies, permits, bonds, insurance for the replacement of Bridge 28-32 on Grelck Lane, all in accordance with the drawings, specifications and other contract documents prepared by Great West Engineering, 6780 Trade Center Avenue, Billings, MT 59101 for the following stipulated amount:

YELLOWSTONE COUNTY, MT
2022 BRIDGE REPLACEMENT 28-32, GRELCK LANE OVER BBWA CANAL
BID SHEETS

Item No.	Description	Estimated Quantity	Unit	Unit Price	Total Price
1	Mobilization	1	LS	\$	\$
2	Bridge 28-32 Replacement	1	LS	\$	\$
3	Supply Steel H-Pile	675	LF	\$	\$
4	Drive Steel H-Pile	610	LF	\$	\$
TOTAL BID PRICE				\$	
(Figures)					
TOTAL BID PRICE		\$			

**YELLOWSTONE COUNTY, MT
2022 BRIDGE REPLACEMENT 28-32, GRELCK LANE OVER BBWA CANAL
BID SHEETS**

(Words)

SIGNATURE OF BIDDER _____

COMPANY _____

ADDRESS _____

CITY, STATE _____

PHONE NUMBER _____

MONTANA PUBLIC CONTRACTORS' REGISTRATION NUMBER _____

DATE _____

I acknowledge receiving the following addenda, if applicable.

#1 _____
Initials Date

#2 _____
Initials Date

B.O.C.C. Regular

Agenda Item 4. b.

Meeting Date: 11/02/2021

Title: Release for Harnish Trade Center Subdivision

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Release for Harnish Trade Center Subdivision First Filing - Lots 1 - 5, Block 4

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approve.

Attachments

Release for Harnish Trade Center Subdivision

RELEASE

THIS RELEASE, made with 2nd day of November, 2021, by the undersigned **YELLOWSTONE COUNTY**.

WHEREAS, the hereinafter described real property is subject to that certain Declaration of Restrictions on Transfers and Conveyances (the "Declaration") dated June 11, 2002 and recorded December 24, 2002 under Document No. 3207397 in the office of the Yellowstone County clerk and Recorder; and

WHEREAS, said real property is also subject to the terms of that certain Subdivision Improvements Agreement by and between the undersigned dated June 11, 2002, and recorded December 24, 2002 under Document No. 3207397 in the office of the Yellowstone County Clerk and Recorder; and

WHEREAS, in accordance with the provisions of said Subdivision Improvements Agreement and the Declaration, a private contract has been executed and necessary funding guarantees have been provided, providing for the installation and construction of all required public improvements to serve the hereinafter described real property.

NOW, THEREFORE, in consideration of the premises, the undersigned do hereby declare and agree that all restrictions and conditions contained in said Declaration are hereby released and discharged and shall be of no further force and effect, as the same relate to the following real property situated in Yellowstone County, Montana:

Lots 1 – 5, Block 4, in Harnish Trade Center Subdivision, First Filing, in Yellowstone County, Montana, according to the official plat on file, and of record in the office of the Clerk and Recorder of said County, under Document No. 3207396.

IN WITNESS WHEREOF, the parties have executed this Release as of the day and year first above written.

**COUNTY OF YELLOWSTONE
BOARD OF COUNTY COMMISSIONERS**

Chair

Member

Member

ATTEST

County Clerk and Recorder

STATE of MONTANA)
 :SS
County of Yellowstone)

On this _____ day of _____, 2021, before me, a Notary Public in and for the State of Montana, personally appeared, _____, _____, _____ known to me to be the representatives of the Board of Commissioners and the County Clerk and Recorder for Yellowstone County, Montana, the persons who signed the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public in and for the State of Montana

CERTIFICATE

HARNISH TRADE CENTER SUBDIVISION, FIRST FILING

The undersigned, the duly authorized representative of the Public Works Department, Yellowstone County, Montana, does hereby certify that a private contract has been executed and necessary funding guarantees have been provided, as the case may be, to construct and install the public improvements required to serve the following described property in Yellowstone County, Montana:

Lots 1 – 5, Block 4, in the Harnish Trade Center Subdivision, First Filing, Yellowstone County, Montana, according to the official plat on file and of recorder in the office of the Clerk and Recorder of said County, under Document No. 3207396.

This Certificate is being executed to show compliance with the terms of that certain Subdivision Improvements Agreement dated June 11, 2002, by and between Harnish Trade Center, and Yellowstone County, Montana, and that certain Declaration of Restrictions on Transfers, and Conveyances dated June 11, 2002, covering Harnish Trade Center Subdivision, First Filing, and to provide the basis for the execution and recording of a Release from the terms of said Declaration pursuant to the terms of said Subdivision Improvements Agreement.

DATED this 2nd day of November 2021.

**PUBLIC WORKS DEPARTMENT
YELLOWSTONE COUNTY, MONTANA**

By: 

Title: Public Works Director

B.O.C.C. Regular

Agenda Item 5.

Meeting Date: 11/02/2021

Title: Third Amendment to Inmate Telecommunication Location Agreement

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Third Amendment to Inmate Telecommunication Location Agreement between Telmate, LLC and Yellowstone County Detention Facility

BACKGROUND:

Due to mandated FCC changes to service rate and ancillary service charges an amendment to the Telmate Agreement was necessary.

RECOMMENDED ACTION:

Approve.

Attachments

Third Amendment to the Telmate LLC Agreement
Letter from Telmate

**Third Amendment to
Inmate Telecommunication Location Agreement
Between
Telmate, LLC and Yellowstone County Detention Facility**

THIS THIRD AMENDMENT (“Amendment”) takes effect October 26, 2021 or the effective date of the FCC Order (as defined below), whichever is later (“Effective Date”), and amends and revises that certain Inmate Telecommunication Location Agreement, dated July 13, 2013, as amended from time to time (the “Agreement”), by and between **Telmate, LLC** with an address of 3120 Fairview Park Drive, Suite 300, Falls Church, Virginia 22042 (“Telmate”), and **Yellowstone County Detention Facility**, with an address of 3165 King Avenue East, Billings, Montana 59101 (“Customer”) (Telmate and Customer collectively, the “Parties” and each a “Party”). All capitalized terms not defined herein shall have the definitions set forth in the Agreement.

Recitals

Whereas, Customer and Telmate entered into an Inmate Telecommunication Location Agreement dated July 31, 2013 ("Agreement") whereby Telmate was obligated to provide certain inmate communication services at Customer's facilities;

Whereas, Customer and Telmate entered into a First Amendment to the Agreement with an effective date of June 17, 2016 ("Amendment1") which modified certain terms of the Agreement;

Whereas, Customer and Telmate entered into Second Amendment to the Agreement with an effective date of June 23, 2020 ("Amendment2") which modified certain terms of the Agreement; and

Whereas, the Federal Communications Commission (“FCC”) issued its Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking in WC Docket No. 12-375 on May 24, 2021 (“FCC Order”), which mandated certain rate caps for inmate telephone services and ancillary service charges, and other requirements; and

Whereas, the Parties have agreed to amend the Agreement in order to, among other things, implement the FCC Order as further provided below.

Now, therefore, in consideration of the promises and covenants set forth in this Amendment, and for good and valuable consideration, the sufficiency of which is acknowledged by the Parties’ signatures, the Parties agree as follows:

1. Effective October 26, 2021 or the effective date of the FCC Order, whichever is later, the rates and charges for international, interstate, and intrastate inmate telephone service (“ITS”) calls and associated ancillary service charges set forth in the Agreement shall be deemed revised without further action by the Parties, and shall be implemented, as follows:

Inmate Telephone Services.

Interstate ITS calls, whether made using a collect, debit, or prepaid format: **\$0.21** per minute of use.

Intrastate ITS calls, whether made using a collect, debit, or prepaid format: **\$0.21** per minute of use.

International ITS calls, whether made using a debit or prepaid format: The International rate caps set forth on Telmate's website applicable to the Customer based on the type of correctional facility and its average daily population ("ADP"), plus the applicable call termination rate for the international destination of the call as published on Telmate's website, which may be updated every 3 months in accordance with the FCC Order. These rates can be found at: <https://www.gtl.net/legal-and-privacy/federal-tariffs-and-price-lists/>.

No per call, per connection, or flat-rate calling charges shall apply to international or interstate ITS per minute of use calls.

The ITS rates set forth above are exclusive of taxes and other amounts collected by Telmate on behalf of, or paid to, third parties, including but not limited to payments in support of statutory or regulatory programs mandated by governmental or quasi-governmental authorities, such as the Federal Universal Service Fee, and any costs incurred by Telmate in connection with such programs.

Ancillary Service Charges. Telmate may charge certain Ancillary Service Charges, which shall be no more than the following amounts:

Automated payment for credit card, debit card, and bill processing fees	\$3.00 per transaction
Use of live operator	\$5.95 per transaction
Paper bill/statement	\$2.00 per transaction
Use of third-party money transmitter (e.g., MoneyGram, Western Union, credit card processing, transfers from third-party commissary accounts)	\$6.95 per transaction
Use of single-call and related services to pay for a single ITS call using debit/credit card, mobile phone account, or another arrangement	\$6.95 per transaction, plus the adopted per-minute rate

2. Effective October 26, 2021 or the effective date of the FCC Order, whichever is later, the commission payable to the Customer under the Agreement shall be **\$0.04 per minute** of each completed billable ITS call, which shall be paid within forty-five (45) days following the month in which the call took place. The foregoing commission shall be paid on a one-time basis for each completed billable ITS call, and shall replace any and all commissions or other monies payable under the Agreement **for ITS calls** by Telmate to the Customer, or to any fund or third party designated by Customer.

3. Section 15 of the Agreement is hereby deleted in its entirety and replaced with the following:

“Assignment. This Agreement shall inure to the benefit of and be binding upon the Parties and their respective permitted successors and assigns, including but not limited, to any new administration or head of Customer. Neither Party shall assign any right and/or obligation under this Agreement without the other Party’s prior written consent, which shall not be unreasonably withheld or delayed; provided, however, Telmate shall have the right to assign some or all its rights and/or obligations under this Agreement at any time to any entity that controls, is controlled by or is under common control with Telmate (each an “Affiliate”) without the consent of the Customer; provided, further, Telmate shall remain liable for any failure of any Affiliate to perform any assigned obligations. For the avoidance of doubt, a merger involving (i) Telmate or (ii) a sale of Telmate or all of Telmate’s assets shall not constitute an assignment requiring consent of Customer for purposes of this Agreement.”

4. The Regulatory Changes section of the Agreement is hereby deleted in its entirety and replaced with the following:

“Change-of-Law. Any rule, regulation, or other change mandated by any federal, state, or local authority which may interfere with or adversely affect Telmate’s rights, obligations, or intended benefit under the Agreement shall entitle Telmate to, at its option, renegotiate or terminate the Agreement.”

In the event of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained herein, the terms and conditions contained herein shall control. Except as set forth in this Amendment, the Agreement remains in full force and effect, without modification or amendment, and is hereby ratified and confirmed. This Amendment may be executed in multiple counterparts, each of which shall be an original, and all of which shall be one and the same contract. Original signatures transmitted by facsimile or electronic mail shall be effective to create such counterparts. Each person whose signature appears below warrants and represents that they have the requisite authority to execute this Amendment on behalf of the entity for which they are signing.

IN WITNESS WHEREOF, the foregoing Amendment has been executed by the Parties as of the latest date listed below.

CUSTOMER

By: _____
Name: _____
Title: _____
Date: _____

TELMATE, LLC

By: _____
Name: _____
Title: _____
Date: _____



The Power of Together

3129 Fairview Park Dr.
Suite 300
Falls Church, VA 22042
www.gtlnet

October 20, 2021

VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL

Yellowstone County Detention Facility
3165 King Avenue East
Billings, MT 59101

Re: Pending Amendment to Agreement

Dear Yellowstone County Detention Facility:

Telmate, LLC (the "Company") and the Yellowstone County Detention Facility (the "Premises Provider") are parties to a certain Inmate Telecommunication Location Agreement, dated July 31, 2013, as amended from time to time (the "Agreement").

Effective October 26, 2021, the Company must make certain changes to inmate telephone service rates and ancillary service charges mandated by the Federal Communications Commission ("FCC") Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking issued in WC Docket No. 12-375 on May 24, 2021 ("FCC Order").

As you know, the parties have been in discussions over the past several months regarding the modifications to the Agreement necessary to comply with the FCC Order. Unfortunately, we have run out of time and the Company must implement certain changes to inmate telephone service rates and ancillary service charges or face steep penalties imposed by the FCC for failure to comply with the law.

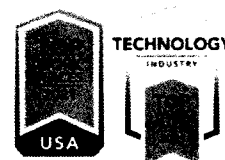
The changes mandated by the FCC Order are required to take effect on October 26, 2021 (unless the FCC Order takes effect at a later date). Per the parties' verbal agreement to the changes reflected in the enclosed Amendment #3 to the Agreement (the "Amendment"), the Company will implement the changes set forth in the Amendment on the dates set forth in the Amendment regardless of any delay in signing the Amendment so that the Company can comply with the requirements of the FCC Order.

We look forward to continuing to work with you, and supporting you and the community you serve. We are ready to work with you at your convenience to finalize the Amendment to the Agreement. Thank you for your cooperation on this matter.

Sincerely,

Taylor Mikesell
Account Manager

Enclosure



B.O.C.C. Regular

Agenda Item 6.

Meeting Date: 11/02/2021

Title: PARS

Submitted By: Teri Reitz, Board Clerk

TOPIC:

PERSONNEL ACTION REPORTS - Sheriff's Office - 1 Termination; **Motor Vehicle** - 1 Termination; **District Court** - 4 Salary & Other

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approve.

Attachments

PARS

OCT 20 2021

88

YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT

Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: KERR, VIRGINIA

Effective Date: 10/31/2021

Current Title: Senior Secretary

Gr. D Salary \$ 18.73/HR

Title Change: _____

Gr. _____ Salary \$ _____

Check as Applicable:

Regular Full Time: XX

New Hire: _____

Regular Part Time: _____

Rehire: _____

Temp Full Time: _____

Termination: XX

Temp Part Time: _____

(Voluntary)

Seasonal Hire: _____

Promotion: _____

Replaces position _____

Transfer: _____

Name _____

New Budgeted Position _____

Demotion: _____

Other: _____

Reclassification: _____

Funding: 2300 - 134 - 420170 - 111

Percent 100 New Account _____

Percent _____ Split Account _____

10-15-21

10/19/2021

Elected Official/Department Head

Date

Section 2

Human Resources:

Finance:

Note: _____

Note: _____

Shagans 10-20-21

Director _____ Date

Jim Jones 10-20-21

Director _____ Date

H.R. Comments:

Commissioner's Action

Approve

Disapprove

Chair [Signature] _____

Member [Signature] _____

Date entered in payroll _____

Member _____

Clerk & Recorder - original

Human Resources - canary

Auditor - pink

Department - goldenrod

revised 02/13

OCT 20 2021

YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT

Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: Peck, Courtney Effective Date: 10/19/2021
Current Title: Motor Vehicle Clerk Gr. C Salary \$ 13.82
Title Change: _____ Gr. _____ Salary \$ _____
Check as Applicable:
Regular Full Time: X New Hire: _____
Regular Part Time: _____ Rehire: _____
Temp Full Time: _____ Termination: X
Temp Part Time: _____ Promotion: _____
Seasonal Hire: _____ Transfer: _____
Replaces position Name _____ Demotion: _____
New Budgeted Position _____
Other: _____ Reclassification: _____
Funding: 1000 - 113 - 410540 - 113 Percent 100% New Account _____
Percent _____ Split Account _____
Sherry Jones 10/19/2021
Elected Official/Department Head Date

Section 2

Human Resources:

Finance:

Note: _____

Note: _____

Sherry Jones 10-20-21
Director Date

Joe Jones 10-20-21
Director Date

H.R. Comments:

Commissioner's Action

Approve

Disapprove

Chair X _____

Member X _____

Member _____

Date entered in payroll _____

Clerk & Recorder - original

Human Resources - canary

Auditor - pink

Department - goldenrod

OCT 20 2021

YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT
Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: Bernie Wahl

Effective Date: 10/16/21

Current Title: Deputy Clerk

Gr. C

Salary \$ 17.62

Title Change: Sr Dist Court Clerk

Gr. D

Salary \$ 19.38

Check as Applicable:

Regular Full Time: ☒

New Hire: ☐

Regular Part Time: ☐

Rehire: ☐

Temp Full Time: ☐

Termination: ☐

Temp Part Time: ☐

Seasonal Hire: ☐

Promotion: ☒

Replaces position

Transfer: ☐

Name

Demotion: ☐

New Budgeted Position

Reclassification: ☐

Other:

Funding: 1000 - 221 - 410330 - 111

Percent 100 New Account ☐

Percent ☐ Split Account ☐

[Signature]
Elected Official/Department Head

10/15/2021
Date

Section 2

Human Resources:

Finance:

Note: R+S FOLLOWED-TLK

Note: [Signature]

[Signature] 10-20-21
Director Date

[Signature] 10-20-21
Director Date

H.R. Comments:

Commissioner's Action

Approve

Disapprove

Chair [Signature]

Member [Signature]

Member ☐

Date entered in payroll

Clerk & Recorder - original

Human Resources - canary

Auditor - pink

Department - goldenrod

OCT 20 2021

YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT
Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: Pam Owens

Effective Date: 10/16/21

Current Title: Deputy Clerk

Gr. C Salary \$ 14.88

Title Change: Sr Dist Ct Clerk

Gr. D Salary \$ 16.37

Check as Applicable:

Regular Full Time: ☒
Regular Part Time: ☐

New Hire: ☐

Rehire: ☐

Temp Full Time: ☐
Temp Part Time: ☐

Termination: ☐

Seasonal Hire: ☐

Promotion: ☒

Replaces position
Name ☐

Transfer: ☐

New Budgeted Position ☐

Demotion: ☐

Other: ☐

Reclassification: ☐

Funding: 1000 - 221 - 410330 - 111

Percent 100 New Account ☐

Percent ☐ Split Account ☐

[Signature]
Elected Official/Department Head

10/15/2021
Date

Section 2

Human Resources:

Finance:

Note: RdS FOLLOWED - TJK

Note: [Signature]

Director [Signature] Date 10-20-21

Director [Signature] Date 10-20-21

H.R. Comments:

Commissioner's Action

Approve

Disapprove

Chair ☒

Member ☒

Member ☐

Date entered in payroll ☐

Clerk & Recorder - original

Human Resources - canary

Auditor - pink

Department - goldenrod

revised 02/13

B.O.C.C. Regular

Agenda Item 1.

Meeting Date: 11/02/2021

Title: Payroll Audit

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Payroll Audit October 1 to October 15, 2021

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Place to file.

Attachments

Payroll Audit

PAYROLL AUDIT
October 1 to October 15, 2021

RECEIVED

OCT 22 2021

YELLOWSTONE COUNTY
CLERK AND RECORDER

Date: 10/21/2021

To: Board of County Commissioners

From: Scott Turner, County Auditor

(ST)

From my office's review of the above referenced payroll, the findings are noted below:

Date	Employee Name	Department	Finding
10/21/21	Petersen, Kathleen	Clerk of Court	Sick s/b 21 hrs @\$17.10, accruals incorrect
10/21/21	Metzger, Holley	CA	2 hrs sick used not showing in the used column employee summary
10/21/21	Cook, Timothy	Detention	Shift diff s/b 80 hrs
10/21/21	Lauckner, Andrew	Detention	Shift diff s/b 68.25 hrs
10/21/21	Noall, Brandy	Detention	Shift diff s/b 4.5 hrs
10/21/21	Watts, Connie	Metra	Remove holiday, accruals incorrect
10/21/21	Englert, Steven	Road & Bridge	Remove holiday, accruals incorrect

B.O.C.C. Regular

Agenda Item 2.

Meeting Date: 11/02/2021

Title: Board Minutes

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Board Minutes - County Water District of Billings Heights

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Place to file.

Attachments

County Water District of Billings Heights Board Minutes

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

Board of Directors Meeting Minutes

Supporting Documents and the agenda for the meeting maybe downloaded
https://www.dropbox.com/sh/vp7y3q9z4wg0iq5/AAAue_LwSe4QLpczVWrTtymwa?dl=0

Location: Board Room, County Water District of Billings Heights 1540 Popelka Dr.

Date: September 8, 2021

Time: 6:00 pm—8:05 pm

The September 3, 2021 board meeting was called to order by President Dennis Cook at 6:00 pm.

BOARD MEMBERS: Dennis Cook, Ming Cabrera, Laura Drager, Pam Ellis, Jeff Engel, David Graves, Brandon Hurst

ALSO PRESENT: Duke Nieskens, General Manager

GUESTS: Terry Odegard and Tom Zurbuchen

WELCOME AND INTRODUCTIONS

PRESIDENT'S REMARKS: Dennis Cook

During the course of the meeting the Public may be heard before a vote is cast by the Board. The Chair will acknowledge the Public once the motion has been made and discussed by Board for their input.

I. PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items

1. Any member of the Public may be heard on any subject that is not on the Agenda. The board will not take action on these items at this time but may choose to add an item to the next meeting's Agenda for discussion.

Terry Odegard complimented the board on the progress we have made. The information for the September meeting was available prior to the meeting—a real improvement.

2. CORRESPONDENCE RECEIVED BY BOARD None

II. CONSENT AGENDA (# supporting documents available at the dropbox link above)

1. Minutes of the August 11, 2021 Meeting (2)
2. August Prepaid bills for approval Updated 9/8)(3)
3. August Bills for Approval – Updated 9/8 (4)
4. August Bank Statements: First Interstate Bank (5)
5. Stifel Summary August 31 (5d)
6. Profit and Loss Statement – Aug 2020 and Aug 2021 added 9/8 (5e)
7. Notes: Board Training Session, August 19, 2021 (6)
 - i. Montana Local Government Board Handbook (7)
 - ii. Statutes Governing County Water Districts Mont. Code Ann 7-13-2201 and 2301 *et seq.* Compiled and formatted by Felt Martin PC (8)
 - iii. Part 1 Code of Ethics (9)
 - iv. Montana's Public Records Statutes as Amended in 2015 (10)
 - v. Montana's Sunshine Laws: Open Meetings, Public Participation, and the Tension with the Right of Privacy Felt Martin PC (11)
 - vi. Memo from Jeff Weldon re: Board Secretary (12)
 - vii. Memo from Jeff Weldon re: payment to Susan Swimley (13) Not available to the board or public prior to the meeting

SEPARATIONS: Pam Ellis separated #6: Profit and Loss Statement – Aug 2020 and Aug 2021

Question: Business insurance was paid in August for \$66,534.00 was there a business insurance payment made in 2020? For what amount? In what month?

Question Profit and Loss Statement – Aug 2020 and Aug 2021 added 9/8 (5e) Retirement benefit payments from Aug 2020 to August 2021 have increased 22.9% What changes explain this increase?

Duke agreed to research with Dianne Crees and respond (see addendum with response).

MOTION TO APPROVE THE NON-SEPARATED ITEMS was made by Pam Ellis and seconded by David Graves. It was passed unanimously.

III. MANAGER'S REPORT Duke Nieskens (14) The manager's report was not available prior to the meeting.

1. Repair main hit by boring company on Bitterroot Dr. 8-12; repaired service line leak 8-31 at 709 Shawnee. Repaired hydrant valve at 309 Covert 9-7. We will be checking another valve.
2. Plans and specs submitted to DEQ for review and approval. Upon approval we will advertise for bids.
3. Reviewed email from Andrew Rheem requesting more information concerning the rate study. We have provided the information and our engineer is also providing more information they have.

4. Montana Public Work Standard Specification Seventh Edition We have been reviewing and making updates to our standard modifications to them.
5. We have received timeline and audit tasks for the new auditors. Dianne is reviewing.
6. We are installing a new inline valve on Griffing and adding a new hydrant at Orilla and Griffing; intersection approximately half way.

Peyton said he had no new update information.

Ming Cabrera asked if the CWDBH had experienced any problems as a result of the water main break near MSU-B. Duke said we had not.

IV. ASSISTANT MANAGER'S REPORT: Peyton Brookshire (not available prior to the meeting)

1. Update on ARPA Grant
 - i. 21.08.26 Memo from Debi Meling (15)
 - ii. 21.08.31 Memo from Debi Meling to Billings City Council (16)
 - iii. ARPAWaterSewerGrants_Round1_CompleteBook (17)

Pam Ellis summarized the memos from Debi Meling to the Billings City Council. The August 26 memo was a copy of an email to Senator Doug Kary and Representative Sue Vinton thanking them for meeting with city staff. Ms. Meling raised concerns about the point system which awarded 180 points for projects with significant health risk and an additional 25 points for addressing an enforcement action. Concern was that the system penalized well managed districts. Josh Jabalara had indicated that some of the small water districts have significantly higher rates than the City of Billings because they have a smaller population who bear the full cost of development.

The ARPA committee recommended that the Governor approved \$125 M in grants for this cycle and cap each at \$2M. If the Governor accepts the recommendation of the ARPA Committee, the top three projects on the list for the COB would each get \$2M for a total of \$6M in grants. The committee withheld issuing checks to water projects in to first 74 grants until the US Congress votes on an infrastructure bill which may have additional funding. There were 241 eligible competitive grants submitted requesting a total of \$690,499,541. 50 additional applications were questionable and 14 were ineligible. Approximately 50% of the available funds were awarded: \$125M. There will be a second distribution in January 2022. It is unlikely that the CWDBH will received any funding. Funds awarded to COB will

not significantly impact the cost of water and the projected 31% increase for the cost of wholesale water in FY23.

- COB 2021 Water Main Replacements 318 points and ranked #59
- COB WW Influent Lift Station: 315 points and ranked #62 (tied)
- COB West End Plant and Raw Water Deliver: 315 Points and ranked #62 (tied)
- COB Zone 6 Reservoir and Reduncant Line: 265 Points and ranked #131 (tied)
- COB 2022 Water Main Replacements: 256 points and ranked #145
- CWDBH Chlorination System: 230 points and ranked #175
- CWDBH Northwestern Transmission Main: 215 Points and ranked #190
- COB Zone 1 Storage: 176 points and ranked #217
- COB Staples Reservoir Repair: 136 points and ranked #232

V. COMMITTEE REPORTS

1. Finance Committee: Laura Drager

County Water District Billings Heights Treasurer's Summary Report as of 31-Aug-21

Meters	
July total meter count	5,914
Residential	5,456
Commercial	458
New Residential	12
Total # Meters	5,926
Checking	
FIB Gross Income Account	\$ 1,217,953.82
FIB Operational & Maintenance	24768.61
FIB Payroll Account	3568.44
Total Checking	\$ 1,246,290.87

- i. Raftelis Report update Laura spoke with Andrew Rheem. He is currently working with Interstate Engineering to make sure the things included in the rate study are legitimate. The report should be available within 30 days. Mr. Rheem suggested he once they

have concluded their report, he meet with the board for a “Rate Study 101” training. Mr. Rheem’s contract says he will meet with the board; he will coordinate with his visit to the area to minimize travel expenses. We will have to pay for his inservice time. Laura will follow up to confirm.

Josh Jabalara from the Midwest Assistance Program will be invited to meet with us. He will provide hard copies of two books: The Big Guide for Small Systems: A Resource for Board Members and a revised publication Formulate Great Rates The Guide to Conducting a Rate Study for a Small System. Mr. Jabalara can work with the district to establish water rates that adhere to MT Statute.

Josh has been a Certified Water (4AB) and Wastewater (4C) in Montana for the past eight years, with a Bachelor’s of Science degree from Rocky Mountain College. During that time, he operated multiple community water and wastewater systems in rural areas. Josh has helped small communities regain and maintain compliance on water and wastewater issues as well as providing a plan for sustainability into the future.

- ii. Yellowstone Bank Operating Account : Laura confirmed that this account is a CD
 - iii. Reinstatement for Retirement Account – Randal Hurley (22a) was signed and included in the consent agenda
 - iv. Budget work: Plan and Recommendation: Laura has the last 3 years of data. She is working to prepare a consolidated report.
 - v. Payment of Legal Bills (moved to discussion and action under Legal Liaison report)
 - 1. Susan Swimley: see attached memo from Jeff Weldon
 - 2. Tom Towe
 - vi. Laura Drager sent a request to the auditor, Stefani Frees to postpone the site visit to the week of October 18th. It is currently scheduled for the week of October 11th. Monday of that week is a holiday and Wednesday is the board meeting. She will update at the September meeting.
2. Safety Committee: Jeff Engel’s Meeting with Staff Jeff Engel talked with Peyton; Jeff is unsure if meeting with the staff during a safety meeting will be useful. Clay McCaffree is in charge of safety. There is a weekly meeting that staff attend; they sign in to verify attendance. The agendas for each week are provided by the American Water Works Association.
3. By-laws/Governance Committee (Pam Ellis)

- i. Committee Members: Pam Ellis, Laura Drager, Brandon Hurst, Dave Graves
 - ii. Meeting times: TBA Initial meeting with Jeff Weldon at his office
 - iii. Discussion: The work we have done this month was reviewing agenda management software from two different companies.
4. Legal Liaison (Jeff Engel) Update on various issues
- i. Susan Swimley: Jeff Weldon had provided a single copy of his August 19, 2021 memo to Dennis Cook at the meeting on August 19 with a cc: to the board which Mr. Weldon had not provided. Duke made copies of the memo prior to the discussion. (see addendum)
 Laura Drager made a motion to pay Susan Swimley in full; Jeff Engel seconded the motion. Jeff Engel commented that he didn't like to pay a bill just to make it "go away" but he agreed with Jeff Weldon that paying was the smart thing to do. Laura Drager amend her original motion to void the original check and redo a revised check that included the full payment of \$6,183.50 and directing staff to include in the memo line of the check "paid in full". Ming Cabrera stated that he would not vote to support the payment. He read the withdrawal of representation to the court filed by Susan Swimley and believed that the document was excessively long and included articles Ms. Swimley had written as "legal" authority.

Terry Odegard said that based on his 25 years work experience working for corporations, the board would muddy the water if they did not pay Susan Swimley,

The motion was approved 6:1 with Ming Cabrera voting no.

- ii. Tom Towe Payment: Jeff Weldon's memo said he did not have sufficient information to make a determination (see addendum). Jeff Engel said "reading between the lines", the board should make a decision. Several motions were made and withdrawn. The consensus decision was that Ming Cabrera would contact Tom Towe and ask if he could reduce the invoice for the October meeting. Tom Towe represented Laura Drager, Ming Cabrera and Pam Ellis officially. The period after the election in which the Acting Board President Brandon Hurst retained Susan Swimley in representing the district's refusal to recognize the city and county appointees and to allow the elected officials to be seated in May was very upsetting and confusing for everyone. The information and actions recommended by Tom Towe were shared with the full board.
- iii. Legal Dispute with the City of Billings: re fees Roberta "Bobbi" Berkhof is an experienced litigator who has been assigned to

represent the District in this matter. She is meeting with Duke and Peyton this week to discuss the specifics of the case. There was general consensus that the Board is not happy with the slow pace of working toward resolution and the lack of communication with the Board. Jeff Engel suggested that the “squeaky wheel” gets the attention. Laura Drager noted that the Board controls the purse strings; the legal memos need to be received in a timely manner and more effort needs to be evident in addressing the concerns raised. The Board will expect a summary memo from Bobbi Berkhof prior to the October meeting.

Brandon Hurst asked about accepting renegotiation of the existing contract. The Board agreed by consensus at the August 19th meeting that this would be two separate discussions and agreements. Pam Ellis commented that the CWDBH had opened the contract up by failing to pay for the water received from the city as specified in the contract.

5. Planning and Development: Strategic Plan (3 years): Dennis Cook (Postponed)
 - i. Measurement of Success for Success (Postponed)

VI. OLD BUSINESS:

1. DPHHS Low Income Letter (23)
 - i. Possible Resolution 005-21 MCEP application
 - ii. Recommendation from Felt Martin (24) Not Received Possible Motion: Ming Cabrera made a motion that the district complete the DPHHS application. Seconded by David Graves.

Discussion: The district can access federal relief dollars directly to assist rate-payers who are struggling to pay their water bills. This will be particularly important in FY23-25 when the district anticipates significant increases in the cost of wholesale water from COB. Terry Odegard commented that he thought it was a good plan. The motion passed unanimously.

VII. NEW BUSINESS: Technology Update on Equipment and Software

1. Website Update (Pam Ellis, Ming Cabrera, Laura Drager)
 - i. Review Request for Qualifications Possible motion: Publish the RFQ in the Yellowstone County News and on our website (25)
 - ii. Supplementary Software to assist in agenda preparation, minutes and website management (Pam Ellis, Ming Cabrera, Laura Drager)

Pam Ellis, Ming Cabrera and Laura Drager had attended internet meetings to review 2 software packages from Diligent and icompass software. The icompass software was more user friendly and affordable. The company has been in existence since 1951 and the software is currently used by Laurel and Great Falls. We are not prepared to make a recommendation without reviewing the responses to a possible RFQ. Brandon made a motion to submit the RFQ to the Yellowstone County News. Laura Drager seconded.

Dennis Cook commented that he had purchased software that wasn't usable for his personal business in the past. We need to make sure it is "user friendly".

Terry Odegard commented that improved technology is the answer. He cautioned that we should be careful about "add ons" that run up the cost.

Tom Zurbuchen commented that we should not try to reinvent the wheel and that the district is making good progress. He did not feel it was necessary to have a bill pay option on the website.

Pam Ellis noted that there have been 3 problems noted recently a) her bill arrived two weeks late due to delay in delivery by the USPS; b) a person received an overdue notice for his water payment which was in error—his payment had been credited to the wrong account; c) the district shut off water to a rate-payer who works out of town and had never received his bills. Beartooth Electric uses a program through NCIS which is used by some water districts as well in the Midwest. Pam will seek additional information. Board members were encouraged to share the RFQ with individuals or companies who may want to submit a plan.

The motion was approved unanimously.

- iii. Drop Box: \$20 per month Possible motion: authorize monthly fee (27)
Possible motion to subscribe to Drop Box to make files accessible to the board and public.

Laura Drager made the motion to pay a \$20 per month Drop Box fee to allow Board and Public access to all supporting documents for the agenda. Seconded by Brandon Hurst. There was discussion about using a district credit card to pay the \$20 monthly fee. Approved unanimously.

- ii. Teleconferencing capability/Podium: Dennis Cook Dennis will bring additional information to the October meeting.
- iii. Consider Activating another phone line: Dennis Cook. Laura Drager suggested asking Peyton if we could use a VOIP line at no additional monthly cost.

VIII. ADJOURN 8:05 pm

Laura Drager made a motion to adjourn. Seconded by David Graves. Approved Unanimously.

SEPTEMBER 2021 AGENDA ITEMS

- MT Worker's Compensation Refund
- Audit Update: Site Visit (Treasurer's report)
- Planning and Development: Strategic Plan (3 years): Dennis Cook

Measurement of Success for Success

- Tom Towe Invoice (revised)
- Teleconferencing capability/Podium: Dennis Cook Dennis will
- Consider Activating another phone line: Dennis Cook

Pam Ellis, Board Secretary

Dennis Cook, President

ADDENDUM: 21.09.09 Duke Niesken response re: Profit & Loss Statement

From: [Duke Nieskens](#)

Sent: Thursday, September 9, 2021 12:57 PM

To: [dennis cook](#)

Subject: Consent agenda

Pam held out item 6 Profit and Loss Statement – Aug 2020 and Aug 2021, questioning Payne West payment last year did not show I guess on the Aug 2020 profit and loss. It would not because the payment for last year was paid before the July 1st expiration date, payment was made June 10, 2020 for 54,787.00, along with other invoices last year. This payment was after the expiration date that why it was on the Aug 2021. The next question I think is Pam wanting to know why there was a 22.9% increase in the retirement benefit. I had Dianne run the previous year comparison and it only shows an 11.7% increase which would be administration fees. See attachment.

If you can stop by tomorrow and sign the contract it will be ready to go.

Thanks,

Duke Nieskens

Manager

County Water District of Billings Heights

10:36 AM

09/09/21

Accrual Basis

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS
Profit & Loss Prev Year Comparison

August 2020 through August 2021

	Aug '20 - Aug 21	Aug '19 - Aug 20	\$ Change	% Change
Ordinary Income/Expense				
Income				
Income-Other	598.00	0.00	598.00	100.0%
6000 · Uncategorized Income	300.00	100.00	200.00	200.0%
6010 · WATER SALES	5,803,865.56	4,988,604.37	815,261.19	16.3%
6020 · SERVICE LINE FEE	169,868.08	151,582.30	18,285.78	12.1%
6030 · INTEREST INCOME	161,808.46	230,326.24	-68,517.78	-29.8%
6031 · UNREALIZED GAINS	0.00	-25,310.37	25,310.37	100.0%
6040 · OTHER INCOME	133,500.58	126,946.02	6,554.56	5.2%
6060 · WORK ORDER INCOME	290.00	291.72	-1.72	-0.6%
6070 · BUY-IN FEES	318,298.64	19,961.95	298,336.69	1,494.5%
Total Income	6,588,529.32	5,492,502.23	1,096,027.09	20.0%
Cost of Goods Sold				
7500 · WATER PURCHASED	3,370,549.67	2,806,469.05	564,080.62	20.1%
Total COGS	3,370,549.67	2,806,469.05	564,080.62	20.1%
Gross Profit	3,217,979.65	2,686,033.18	531,946.47	19.8%
Expense				
6999 · Uncategorized Expenses	0.00	0.00	0.00	0.0%
8009 · LABOR				
8010 · LABOR-ADMINISTRATIVE	278,161.59	256,748.16	21,413.43	8.3%
8011 · LABOR-FIELD	325,814.19	319,864.36	5,949.83	1.9%
8014 · LABOR-BONUS	4,001.00	5,597.00	-1,596.00	-28.5%
Total 8009 · LABOR	607,976.78	582,209.52	25,767.26	4.4%
8012 · DIRECTORS FEE				
8012A · REIMBURSEMENT OF DIRECTORS	0.00	550.00	-550.00	-100.0%
8012 · DIRECTORS FEE - Other	16,500.00	15,150.00	1,350.00	8.9%
Total 8012 · DIRECTORS FEE	16,500.00	15,700.00	800.00	5.1%
8015 · PAYROLL TAXES				
8019 · MEDICARE	8,730.21	8,135.32	594.89	7.3%
8020 · FICA	37,329.26	34,785.55	2,543.71	7.3%
8021 · STATE UNEMPLOYMENT	4,010.73	2,332.56	1,678.17	72.0%
8015 · PAYROLL TAXES - Other	84.00	0.00	84.00	100.0%
Total 8015 · PAYROLL TAXES	50,154.20	45,253.43	4,900.77	10.8%
8030 · RET. BENEFITS	61,247.35	54,836.40	6,410.95	11.7%
8040 · INSURANCE				
8041 · EMPLOYEE INSURANCE	238,059.99	223,357.21	14,702.78	6.6%
8043 · BUSINESS INSURANCE	69,378.00	52,455.00	16,923.00	32.3%
8044 · WORKERS COMP INSURANCE	13,524.69	14,365.89	-841.20	-5.9%
Total 8040 · INSURANCE	320,962.68	290,178.10	30,784.58	10.6%
8200 · SUPPLIES				
8210 · OFFICE SUPPLIES & EQUIPMENT	42,912.48	32,136.69	10,775.79	33.5%
8220 · OPERATING SUPPLIES	3,425.61	6,180.31	-2,754.70	-44.6%
8222 · LABORATORY AND MEDICAL SUPP...	537.95	170.79	367.16	215.0%
8226 · CLOTHING & UNIFORMS	94.68	667.00	-572.32	-85.8%
8231 · GAS, OIL, FUEL, GREASE	9,451.92	11,901.99	-2,450.07	-20.6%
8233 · MACHINERY & EQUIP PARTS, TIRES	10,577.01	2,909.97	7,667.04	263.5%
8236 · WATER MAIN AND LINE REPAIR	26,708.87	25,425.27	1,283.60	5.1%
8241 · CONSUMABLE TOOLS	999.53	2,342.09	-1,342.56	-57.3%
8263 · SAFETY SUPPLIES	1,080.03	4,521.92	-3,441.89	-76.1%
Total 8200 · SUPPLIES	95,788.08	86,256.03	9,532.05	11.1%

8:25 AM

09/09/21

COUNTY WATER DISTRICT OF BILLINGS HEIGHTS
Bills for PayneWest Insurance
All Transactions

Type	Num	Date	Due Date	Aging	Amount	Open Balance
Bill	310983	08/30/2021	08/31/2021		66,534.00	
Bill	304585	06/24/2021	07/27/2021		2,375.00	
Bill	280569	09/11/2020	09/16/2020		100.00	
Bill	272859	06/24/2020	07/08/2020		2,178.00	
Bill	272339	06/18/2020	07/23/2020		2,178.00	
Bill	272343	06/18/2020	07/23/2020		219.00	
Bill	271632	06/12/2020	06/16/2020		2,375.00	
Bill	270674	06/02/2020	06/10/2020		54,787.00	
Bill	264837	03/27/2020	04/08/2020		100.00	
Bill	245547	09/05/2019	09/11/2019		100.00	
Bill	239774	07/17/2019	07/25/2019		2,116.00	
Bill	234088	05/30/2019	06/12/2019		2,116.00	
Bill	234082	05/30/2019	06/12/2019		52,255.00	
Bill	227466	03/27/2019	04/10/2019		100.00	
Bill	204812	08/20/2018	09/12/2018		100.00	
Bill	199478	07/03/2018	07/11/2018		51,330.00	
Bill	197185	06/19/2018	07/11/2018		94.00	
Bill	196826	06/15/2018	06/18/2018		2,116.00	
Bill	158489	03/29/2018	04/11/2018		100.00	
Bill	1881...	01/22/2018	01/25/2018		344.00	
Bill	141537	09/07/2017	09/13/2017		100.00	
Credit	140251	08/22/2017			-1,826.00	
Bill	4496929	07/01/2017	09/14/2014		40,963.00	
Bill	4352337	06/22/2017	07/12/2017		2,116.00	
Bill	133902	06/12/2017	06/14/2017		384.00	
Credit	132842	06/01/2017			-197.00	
Bill	41259	03/27/2017	04/12/2017		100.00	
Bill	118791	12/19/2016	01/11/2017		341.00	
Bill	118792	12/19/2016	01/11/2017		851.00	
Bill	38819	12/13/2016	12/14/2016		927.00	
Bill	116825	11/28/2016	12/14/2016		92.00	
Bill	109585	09/02/2016	09/14/2016		100.00	
Bill	107920	08/16/2016	09/14/2016		1,084.00	
Bill	BCN0...	07/01/2016	06/08/2016		1,551.00	
Bill	UPP0...	07/01/2016	06/08/2016		37,030.00	
Bill	94982	03/31/2016	04/13/2016		100.00	
Bill	91934	02/19/2016	03/09/2016		593.00	
Bill	2773674	09/09/2015	09/09/2015		100.00	
Bill	2739100	08/19/2015	09/09/2015		1,363.00	
Bill	2583926	07/01/2015	07/08/2015		34,769.00	
Bill	66978	05/01/2015	05/13/2015		1,551.00	
Bill	62320	03/13/2015	04/08/2015		100.00	
Bill	58052	01/15/2015	02/11/2015		635.00	
Bill	47669	09/10/2014	10/08/2014		1,966.00	
Bill	46677	08/28/2014	09/10/2014		100.00	
Bill	1647820	07/01/2014	07/09/2014		1,551.00	
Bill	39389	06/10/2014	06/11/2014		31,687.00	
Bill	32551	03/26/2014	04/09/2014		100.00	
Bill	27428	01/23/2014	02/12/2014		582.00	
Total					400,430.00	0.00



FELT MARTIN
PC

Laurence R. Martin Joseph A. Soueidi
Jeffery A. Hunnes Roberta A. Berkhof
Jeffrey A. Weldon Kyle A. Moen
Martin S. Smith Ryan A. Stewart
Lynsey Ross

Of Counsel:
Joel E. Guthals Kenneth S. Frazier
J. Reuss Mary E. Duncan

Confidential Attorney Client Communication

jweldon@feltmartinlaw.com

Date: August 19, 2021

To: Dennis Cook, Chair
County Water District of Billings Heights

COPY

Copy: Board of Directors

From: Jeff Weldon, General Counsel

Re: Statement of services from Susan Swimley dated June 3, 2021

I have been asked to review the statement of legal services from Ms. Swimley dated June 3, 2021, and received by the District on June 7, 2021. Ms. Swimley is an attorney at law in Bozeman.

It is my opinion that the District should pay the bill from Ms. Swimley.

I believe the nature of the request is to determine whether the District is obligated to pay the bill sent by Ms. Swimley. The total amount due is \$6,183.50, which includes \$34.50 of "hard costs" and \$6,149.00 of legal service fees. Hard costs are amounts spent by Ms. Swimley's firm on behalf of the District; in this instance, she paid \$34.50 as a filing fee to the Yellowstone County District Court. She billed 24.2 hours. Based on the itemization on the statement I find that \$295.00 is Ms. Swimley's hourly rate and \$235.00 is the billing rate for "AG", presumably an associate attorney in Ms. Swimley's firm. I do not find the rates unreasonable in this market.

I find that Ms. Swimley was engaged by the District, probably through the Board chairman, to represent the District. In Ms. Swimley's affidavit filed on or about May 18, 2021, in *City of Billings and Yellowstone County v. the County Water District of Billings Heights*, Ms. Swimley stated: "I am legal counsel for the County Water District of Billings Heights ("Water District") and have served in that position since December 2020." I take that to be a true statement given that a lawyer purposefully misrepresenting her role to a court would violate our ethical obligations and could lead to dire consequences.

I also find that Ms. Swimley wrote to Mayor Cole on February 8, 2021, and stated that her firm represents the District. Finally, a Director recently represented to me that "Susan Swimley was retained on a verbal contract from the prior president, Wynn Pippin and retained by the acting interim chair Brandon Hurst without a vote of the board."

I reviewed Ms. Swimley's statement of services dated June 3, 2021, and conclude it was not unreasonable to bill 24.2 hours for the tasks listed as performed from May 3 to May 20, 2021. I have no reason to believe she and AG did not perform those tasks.

It was not unreasonable for Ms. Swimley to agree to represent the District upon the invitation of the board chair. Absent some known policy or law, a water district board chair would appear to have the authority to engage legal counsel. Ms. Swimley provided legal services apparently starting in December 2020. Unless she did not bill for her time until May, she likely billed for her time starting in December. It also appears the District paid her bills before the May statement; the May statement includes a notation that \$2,032.00 was paid to her firm on May 19, 2021.

I know of no law, ordinance, resolution, or other Board directive limiting the Chair's authority in this regard.

Considering the information at hand and what could reasonably be concluded as a board chair's apparent authority, I find that Ms. Swimley agreed to provide legal services, she provided legal services, charged a reasonable rate for her work, and should be paid promptly.



FELT MARTIN
PC

Laurence R. Martin Joseph A. Soueidi
Jeffery A. Hunnes Roberta A. Berkhof
Jeffrey A. Weldon Kyle A. Moen
Martin S. Smith Ryan A. Stewart
Lynsey Ross

Of Counsel:

Joel E. Guthals Kenneth S. Frazier
J. Reuss Mary E. Duncan

Date: September 8, 2021

jweldon@feltmartinlaw.com

To: Dennis Cook, President
Board of Directors
County Water District of Billings Heights

From: Jeff Weldon, General Counsel

Re: Update on Pending Matters

Thank you all again for participating in the in-service session on August 19th. I enjoyed the session and hope you found it helpful. We did not get to all of the topics, so perhaps the Board could consider holding another in-service in the next few months.

City of Billings v County Water District

As we discussed, Roberta "Bobbi" Berkhof is an experienced litigator who joined our firm this summer. She has been assigned to represent the District in this matter. She is reviewing the material provided us to date to get up to speed. She has had a productive conversation with Mr. James, the City's counsel in this matter, and will have an update for the District soon.

Swimley Invoice

Please refer to my confidential memorandum dated August 19, 2021. Based on my review of available information, it is my opinion that the District should pay the outstanding balance.

Towe Invoice

I do not have sufficient information to make a determination as to whether this is an invoice the District is obligated to pay. I have not had a chance to discuss this matter in any detail with the Board's legal liaisons or any other Board member.

Based on the minimal information I have gathered so far, it does not appear either the Board or anyone with apparent or actual authority from the District and/or the Board engaged that firm's services as described on the invoice dated June 30, 2021. The amount owed according to that invoice is \$4,977.50. I can certainly investigate further, but, as we have discussed, I am always mindful of the cost of our services to a public entity like the District. That said, if the Board wishes us to do so, Kyle or I can interview Directors and others to determine to what extent the work was done on behalf of the Board or the District.

2825 3rd Ave N., Suite 100
Billings, MT 59101

406.248.7646 (office)
406.534.2002 (fax)
406.670.1439 (cell)

feltmartinlaw.com

That said, I find nothing that would strictly prohibit the Board from approving and paying the bill.

I await further direction from the Board.

By-Laws

At the Board's in-service training, we discussed referring the matter to a Board committee. I will schedule a meeting with that committee to review the draft by-laws generated by Ms. Swimley with the goal being a committee recommendation back to the Board this fall.

Board Member Serving as Board Secretary

As Kyle reported to the Board earlier, a board member is prohibited by Montana law from serving as the board's "secretary". MCA § 7-13-2277. A county water board secretary has certain specific duties defined in state law. There are also things the Board must do which would reasonably be assigned to the Board's secretary, such as submitting the minutes of meetings to the Clerk and Recorder for storage. MCA § 7-13-2350.

That said, we find nothing in the law that prohibits the Board from appointing one of its own to take minutes of the meeting. That is not a duty specifically assigned the secretary by statute. Therefore, the Board could, by motion, appoint Ms. Ellis to be the Board's "scrivener," generate minutes, submit the minutes for Board approval, and then give the approved minutes to the Board's secretary for submission to the Clerk and Recorder. It would be prudent to make clear in the motion that this does not make Ms. Ellis the Board's "secretary," as the dual-use of that phrase is where some confusion occurred before.

B.O.C.C. Regular

Agenda Item 3.

Meeting Date: 11/02/2021

Title: Tax Appeal Minutes

Submitted By: Erika Guy

TOPIC:

Tax Appeal Minutes - Neal #A-03-21

BACKGROUND:

See Attachment

RECOMMENDED ACTION:

File

Attachments

Minutes

Yellowstone County Tax Appeal Board

Physical Address:

316 N 26th Street Rm 3101
Billings, MT 59101

Mailing Address:

PO Box 35000
Billings, MT 59107-5000



Yellowstone County Tax Appeal Board

MINUTES

COUNTY: Yellowstone County

PLACE: BOCC Board Room

DATE: October 27th, 2021

TIME: 10:00am

*SHOW RECESS AND RECONVENTION

BOARD MEMBERS PRESENT:

Ted Cross

Oscar Heinrich Jr.

Jeff Weldon

SECRETARY:

Erika Guy

HEARINGS HELD:

Docket #A-03-21

Claren Neal

DECISIONS MADE:

Docket #A-03-21

Claren Neal

Approved/Disapproved/Withdrawal/Adjusted

Docket #A-02-21:

Motion made by Jeff Weldon on tax code A19288 to uphold the DOR's evaluation of the land at \$50,391. Motion seconded by Ted Cross. Motion carried 3-0.

SIGNED:

A handwritten signature in black ink, reading "Ted Cross", is written over a horizontal line.

Ted Cross, Vice-Chair

B.O.C.C. Regular

Agenda Item 4.

Meeting Date: 11/02/2021

Title: Response to Audit Findings - October 22, 2021

Submitted By: Amy Mills

TOPIC:

October 1 - October 15 Payroll Audit

BACKGROUND:

na

RECOMMENDED ACTION:

na

Attachments

Audit Findings

PAYROLL AUDIT

October 1 to October 15, 2021

Date: 10/21/2021

To: Board of County Commissioners

From: Scott Turner, County Auditor

Checked items indicate
changes made by payroll.

From my office's review of the above referenced payroll, the findings are noted below:

Date	Employee Name	Department	Finding
10/21/21	Petersen, Kathleen	Clerk of Court	Sick s/b 21 hrs @\$17.10, accruals incorrect
10/21/21	Metzger, Holley	CA	2 hrs sick used not showing in the used column employee summary
10/21/21	Cook, Timothy	Detention	Shift diff s/b 80 hrs
10/21/21	Lauckner, Andrew	Detention	Shift diff s/b 68.25 hrs
10/21/21	Noall, Brandy	Detention	Shift diff s/b 4.5 hrs
10/21/21	Watts, Connie	Metra	Remove holiday, accruals incorrect
10/21/21	Englert, Steven	Road & Bridge	Remove holiday, accruals incorrect

B.O.C.C. Regular

Agenda Item 5.

Meeting Date: 11/02/2021

Title: 2021 Top 10 Taxpayer's Report

Submitted For: Sherry Long, Treasurer

Submitted By: Hank Peters

TOPIC:

2021 Top 10 Taxpayer's Report

BACKGROUND:

N/A

RECOMMENDED ACTION:

Approve

Attachments

Top 10 2021

County of Yellowstone

TREASURER

(406) 256-2802
(406) 254-7928 (fax)
P.O. Box 35010
Billings, MT 59107-5010



BOCC:

Each year I send you the Top 10 Taxpayers in Yellowstone County. Please see the 2021 Report below.

2021 "Top 10" Taxpayer Report

Yellowstone County's "TOP TEN" taxpayers and their respective (Real Estate) taxable valuations as follows:

	<u>Taxpayer</u>	<u>Taxable Values</u>
1.	CHS Inc.	25,880,461
2.	Phillips 66 Company	24,689,412
3.	Northwestern Energy	23,662,351
4.	Exxon Mobil Corp	8,116,889
5.	BNSF Railway Co	6,323,016
6.	Montana Dakota Utilities	5,903,012
7.	Charter Communications Inc.	4,047,130
8.	Phillips 66 Carrier, LLC	2,885,456
9.	Verizon Inc.	2,359,704
10.	Montana Rail Link	2,291,019

*Note: Signal Peak which is Coal Gross Proceeds has a taxable value of 76,501,177 at a tax rate of 2.5% which results in a tax of \$1,912,384.00 for the 2021 tax year.

If you have any questions, please contact me.

Thank you.

Sherry Long

Yellowstone County Treasurer/Assessor/Supt. Of Schools

Date: 10/26/2021
Time: 11:19:25
Oper: hpeters

Yellowstone County
Top 10 Taxpayer Report

Page: 1

RANGES: LEVY DISTRICT: (A)
EXCLUDE CLASS CODES: (A)
TAX TYPE: (R) RE - UT

OPTIONS: TAX YEAR: 2021 # TO DISPLAY: 10 REPORT TYPE: T
OF COPIES: 1

Name	Count	Total Market	Total Taxable	Personal Market	Personal Taxable
CHS INC	121	1032,095,276	25,880,461	760,826,304	21,492,051
PHILLIPS 66 COMPANY	70	883,285,331	24,689,412	235,635,984	14,662,850
NORTHWESTERN ENERGY-T & D	76	197,186,290	23,662,351	188,561,465	22,627,371
EXXON MOBIL CORPORATION	17	329,253,485	8,116,889	218,940,494	6,491,858
BNSF RAILWAY CO	17	202,660,779	6,323,016	186,373,029	5,814,836
MONTANA DAKOTA UTILITIES - GAS DISTRIBUT	33	49,191,792	5,903,012	49,191,792	5,903,012
CHARTER COMMUNICATIONS INC	7	67,452,163	4,047,130	64,633,837	3,878,030
PHILLIPS 66 CARRIER LLC	16	24,045,463	2,885,456	21,933,251	2,631,992
VERIZON INC	32	39,328,287	2,359,704	440,130	26,409
MONTANA RAIL LINK	102	78,478,103	2,291,019	54,017,176	1,685,338

Date: 10/26/2021
Time: 11:12:57
Oper: hpeters

Yellowstone County
Top 10 Taxpayer Report

Page: 1

RANGES: LEVY DISTRICT: (A)
EXCLUDE CLASS CODES: (A)
TAX TYPE: (A)

OPTIONS: TAX YEAR: 2021
OF COPIES: 1

TO DISPLAY: 10

REPORT TYPE: T

Name	Count	Total Market	Total Taxable	Personal Market	Personal Taxable
SIGNAL PEAK ENERGY LLC	4	76,695,645	76,501,177	200,294	5,826
CHS INC	141	1032,339,594	25,887,763	761,070,622	21,499,353
PHILLIPS 66 COMPANY	70	883,285,331	24,689,412	235,635,984	14,662,850
NORTHWESTERN ENERGY-T & D	76	197,186,290	23,662,351	188,561,465	22,627,371
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